

Lords of War:
Maximilian I of Bavaria and the Institutions of Lordship
in the Catholic League Army, 1619-1626

by

James Oliver Stutler

Department of History
Duke University

Date: _____

Approved: _____

Thomas W. Robisheaux, Co-Supervisor

Kristen B. Neuschel, Co-Supervisor

John J. Martin

Dirk Bonker

Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor
of Philosophy in the Department of
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ABSTRACT

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This dissertation is a study of lordship and its expression through the Catholic League army's institutions during the early years of the Thirty Years War. It draws on letters, reports and other chancery documents from the Bavarian State Archive to examine how duke Maximilian I of Bavaria (r 1597-1651) and his officers re-negotiated their respective command privileges within the army so as to better accommodate each other's practices of lordship through its operations. In exchange for their continued investment in his military power the duke's officers, that is, his military contractors, bargained to preserve, and then expand, customary lordly prerogatives within their commands.

More broadly the dissertation argues that Maximilian's negotiations with his contractors reflected deeper struggles among the Holy Roman Empire's nobilities over how to incorporate their own lordship within the evolving structures of the imperial state. Nobles who fought in Maximilian's service staked their wealth and landed power on his success in securing a preeminent position relative to the monarchy and, with it, their own place among the empire's governing elite.

In the process the dissertation probes and questions the role historians have usually assigned military contractors within wider processes of state-formation in sixteenth- and seventeenth-century Europe and, in particular, the Holy Roman Empire. It views contractors not as profiteering mercenaries who pursued war for gain at the state's expense, but rather as elites who sought to invest in modes of power-sharing that would preserve and strengthen their military role in governance.

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INTRODUCTION

In early May, 1621, eager recruits began to trudge from afar into Geiselhöring, a small north-Bavarian market town nestled in Straubing's hinterlands along the Danube. May might have fallen late in the spring recruitment season, but duke Maximilian I of Bavaria (r 1597-1651) had delayed further musters in the hope that the "winter king," Frederick V of the Palatinate (r 1610-1623) could be persuaded to reconcile with emperor Ferdinand II (r 1619-1637) and lay down arms. Instead Frederick's general, Ernst von Mansfeld, held the Upper Palatinate against Catholic League troops and threatened to engulf the entire central highlands in further costly campaigns. Rather than draw down his forces Maximilian now found himself raising new regiments to join the second field army he was amassing around Straubing. Once mustered the new troops would cross the Danube into the forested Palatine hills, subdue the rebel towns and castles one by one, block Mansfeld's retreat westward and give Maximilian's general, Johann Tserclaes von Tilly, time to push through the mountains from Bohemia and complete the outlaw's encirclement.

In three years' fighting the Catholic League's war efforts had become familiar stories to Geiselhöring's people. Straubing, seat to the duke's northernmost regional administrator [*Rentmeister*], frequently served as a staging area for Bavarian arms. Its surrounding villages and markets hosted prospective soldiers who awaited muster into the new regiment being created under colonel Friedrich von Gaisberg, military contractor and captain of the duke's household guard. Georg Meisl, a local journeyman tailor, had enlisted three years before, during the League's first recruitment drive. He helped subdue

the rebel estates in Upper Austria, the “land above the Enns,” and in Bohemia, two brutal campaigns that left over half the League’s troops dead from vicious partisan tactics and the “Hungarian fever,” typhus. Meisl decided he had seen enough and returned from the wars to take up residence with his brother Simon in nearby Engelsbach. He resumed his old craft as a tailor in Geiselhöring.

One afternoon Meisl found himself taking refreshment with some fellow journeymen at a well-known alehouse.¹ Its proprietor, local brewer Christoph Reuttlinger, and his wife, Barbara, tried to benefit from periodic musters by serving drink to the thirsty soldiery. Earlier they had welcomed Hans Jacob Mornault, a would-be recruit who had traveled to sign up with Hans Adam Wager von Hohenkirchen, Gaisberg’s colonel-lieutenant. Presently two more soldiers arrived to join him, one Bernhard Beurl in Wager’s company, and another man named Georg under a different captain, Steinbeck. Both ordered up some beer and conversed with Mornault. Next, an officer from Wager’s company arrived and announced himself as Michael Khugler von Falkenfels. Soon Meisl, too, made himself known as a fellow veteran and joined the group with his companions to swap stories from past campaigns. Wager’s men asked where Meisl had fought previously and if he, too, had come to sign on under the Bavarian prince.

¹ Fatiga, Maximilian’s commissioner assigned to oversee the Straubing muster, describes the incident in his letter to Maximilian and attaches further reports from the Gieselhöring councilmen, KuBay ÄA 2275 fol. 590-599, May 1, 1621, Fatiga to Maximilian.

Meisl replied that he had already served the Bavarian prince once during the late wars in Austria and Bohemia. He had, in fact, become familiar with Georg's own captain, Steinbeck, in the land above the Enns. But Meisl judged that Steinbeck had earned a poor reputation during the adventure. Rather than lead his men reputably (*redlich*) like a warrior (*Kriegsmann*) he instead neglected and swindled them like a rogue (*Schelm*). He did himself such discredit that Meisl never saw more than two or three soldiers willing to follow him in his company, he said.

Meisl's insult to the captain seems to have charged the conversation. Beurl was unwilling to go so far as to call Steinbeck a rogue, perhaps a debaucher at most. But Meisl went on to say that the Bavarian prince himself never treated his men reputably, either. Maximilian never came through with what he owed them. During the duke's campaigns his own soldiers had been reduced to beggars and had to plead with him shamefully for their back pay. Maximilian was no true warrior, Meisl proclaimed, merely a cow thief, and no good soldier should ever let himself be seen in the duke's service. Meisl himself left the army in disgust after the Bohemian war.

Meisl's comments shocked Reuttlinger's guests. Reports fall silent on subsequent events but it seems Meisl fled the brewery and left town while the soldiers reported him to Fatiga, the duke's commissioner assigned to the Straubing muster. Fatiga arranged his

pursuit, apprehended him in a neighboring village, and had local officials arrest and take him into custody.²

Fatiga's letter calls attention to how lordship shaped the bonds between captains and their soldiers in the army. Lordship, as an historical concept, largely refers to practices and institutions associated with landed power, noble privilege, and feudal hierarchies in medieval and early modern European societies. Noble lords, described in ideal-typical terms, controlled rural society as warrior elites and derived power from their landholdings, legal rights, judicial prerogatives, and networks of clients and dependents in the countryside. Lords held custodianship over their dependents, offered them largesse, hospitality and employment in their households, and protected them from danger and disaster. Nobles strove continuously to prove their lordly standing by asserting their prerogatives and by mobilizing large retinues and followings to demonstrate their mastery, often through violence.

In their correspondence, Maximilian, his officials and his officers seem to have envisioned each company as its captain's lordly retinue. Captains recruited soldiers as their followers on the promise that they would provide good leadership, generous maintenance and lavish loot and booty on campaign. Soldiers in turn would fight well and uphold the captain's good name. Meisl's accusation that Steinbeck treated his company poorly, like a rogue rather than a warrior, challenged the captain's reputation

² Fatiga discusses in his report to Maximilian, KuBay ÄA 2275 fol. 590-599, May 1, 1621, Fatiga to Maximilian.

and implied his men should not follow him. His soldiers quickly rose to defend him and, by extension, their own corporate dignity as his men.

Meisl's insult maligned not only Steinbeck and his company but also, to a lesser extent, the colonel he followed. Wager's men had little stake in Steinbeck's reputation, but Wager, like Steinbeck, followed colonel Gaisberg, trusted courtier to the duke, so they, too, jumped to Steinbeck's defense. Soldiers could scarcely tolerate such slights under normal circumstances, let alone when trying to entertain prospective recruits. In many other instances that spring they refused to let similar insults go without a brawl. Far worse, then, for Meisl to claim that Maximilian, lord to every company and regiment in the army, forced his troops to beg for their pay. Fatiga did not exaggerate when he claimed that Meisl's injury to the duke's reputation put every soldier's manhood and honor to the question.

Letters like Fatiga's can yield valuable insight into the attitudes, priorities, customs and obligations that shaped how officers, soldiers and their warlord related to one another in the Catholic League's army. Letters, either dictated to scribes in the field or transcribed in council sessions at court, reflect performed narratives that invite ethnographic interpretation as acts of collective fiction and self-representation. Historians have, in the past, taken Maximilian's chancery materials largely at face value, and have rarely used them except to inform political, diplomatic and operational histories.

My dissertation instead uses letters, reports and other chancery documents to probe the army's institutional culture and its transformation during the war's early years. Between 1619 and 1626 Maximilian convinced his officers, that is, his military

contractors, to become more committed, financially, in his war effort in exchange for broader command prerogatives, quasi-proprietary autonomy in their companies and regiments, and generous latitude to pursue the hunt for spoils in partisan warfare.

Officers, in an effort to strengthen their bargaining positions, used letters as occasions to prove, that is, to perform through narration, their quality and loyalty, on the one hand, and their credit among soldiers, on the other. During negotiations over disciplinary policies and reimbursement they sought to establish their reputations, to advance their standing in the duke's service, and to defend their traditional customs and liberties from Maximilian's efforts to restrict them.

Negotiations between Maximilian and his officers, my historical subjects, provide an analytical vehicle with which to understand the institutional dynamics that shaped their dealings with one another. My principal aim in tracing the army's institutional history is to question and complicate the role historians have usually assigned military contractors within wider processes of state-formation in sixteenth- and seventeenth-century Europe and, in particular, the Holy Roman Empire. I argue that contentions between Maximilian and his contractors over how to run the army reflected, in their deeper sense, struggles within the empire's nobility over how to incorporate lordship and noble power within the structures of the imperial state.

Maximilian, for his part, wielded influence by virtue of his proximity to the emperor and his standing within the imperial state. His leadership in the Bavarian Circle and, after 1608, in the Catholic League enabled him to draw on broad political support for his initiatives. In the years after 1619 his position as imperial commissioner, charged

to restore the public peace by force of arms, lent sanction to his military actions. He may have owed his stature to the large principality he ruled and the autonomous wealth he commanded, and he did, during the war, pursue his own dynastic interests, but he could not have lawfully done so without broad constitutional authority. Maximilian chose to incorporate his lordship within the state by using its institutions to mobilize his wealth, his influence and his supporters in service to the emperor in exchange for dynastic rewards.

Contractors readily served Maximilian because his constitutional position made him an influential power-broker within the empire. His commission provided legal sanction for their conduct of war, and his access to the emperor enabled him to obtain for them lands, titles, and other rewards for their service. Military contracting provided both greater and lesser nobles a chance to enter Maximilian's and, through him, the emperor's orbits. In the context of ongoing imperial reform the contractors, by making themselves indispensable, might assure themselves an important military role as those who fought on the emperor's behalf. Maximilian might not have obtained their service or loyalty, and certainly not for so many years, had he operated solely as a dynast.

Disputes between Maximilian and his contractors arose, I argue, because the methods officers employed to exercise lordship within their own commands threatened the duke's broader political legitimacy as imperial commissioner. While on campaign, officers used open-table maintenance, that is, material support for their troops at their own expense, on the one hand, alongside the hunt for spoils in partisan warfare, on the other, to establish reputations and build credit in the ranks. Maximilian, on the other

hand, sought to restrict their scope for partisan warfare because they often exceeded his constitutional authority, inflicted damage on law-abiding neutrals, and thereby undermined his political legitimacy and, by extension, his ability to exercise power within the imperial state.

My dissertation traces how Maximilian and his contractors re-shaped the Catholic League army's institutional structures between 1619 and 1626 so as to better accommodate each other's practices of lordship in its operations. First, in 1619 and 1620, officers tried to prevent Maximilian from abrogating their traditional lordly prerogatives to open-table maintenance and the hunt for loot and booty. Second, in 1621 and 1622, officers won back broad liberties to exercise those prerogatives in exchange for their continued investment in the army's upkeep. Third, between 1623 and 1624, they pushed more radical demands and gained not only explicit permission to take illegal plunder, but also quasi-proprietary rights in their commands. Maximilian, in return for his concessions, gained financial support from his contractors, kept the army in being and thereby preserved his role as military power-broker among the empire's nobles.

During the years after 1626 League commanders began to take imperial contributions, albeit illegally, in order to sustain their investment, and thereby obviated any need for further intensive negotiations with the duke. Later, in 1630, the electoral congress authorized Maximilian's commanders to levy contributions as auxiliaries to the imperial army. In so doing they fully incorporated Catholic League forces within the imperial state for the foreseeable future, until the League's dissolution in 1635. Maximilian now enjoyed legal pretexts to allow plunder without undermining his

constitutional position. Contractors, for their part, now stood secure in their role as the monarchy's warriors, that is, as those who provided the men, material and expertise to pursue war for emperor and empire. Maximilian and his contractors had, through negotiations, worked out symbiotic institutional arrangements that allowed both parties to integrate their own lordship into the imperial state through the Catholic League army.

My dissertation advocates, in its broadest sense, renewed investigation into the role historians assign military contractors in the Holy Roman Empire's historical development. In the past scholars have viewed them as profiteering mercenaries, free agents who served foreign powers, particularist dynasts, and their own ambitions at the monarchy's expense, and as lawless brigands whose depredations hindered rulers in their search for stability and prosperity.

I suggest, to the contrary, that contractors did not pursue war primarily for financial or economic gain, although many did acquire extensive lands, nor did they undermine imperial reform. Scholars should rather see their heavy investment as an effort to secure strong roles for themselves within the evolving imperial state, roles that accorded with their warrior identity. Contractors who fought in Maximilian's service staked their wealth and landed power on his success in securing a preeminent position relative to the imperial monarchy and, with it, their own position within the empire's governing structures.

Military Contractors, the Thirty Years War and the “Devolution” in Warfare

By examining how Maximilian and his contractors re-negotiated lordship within the army's institutions my dissertation speaks to an extensive literature on state-formation, noble power and military change in early modern Europe. In recent years many historians have argued that nobles, far from suffering a long period of decline after the fifteenth century, in fact bargained with rulers to produce new state forms whose constitutions guaranteed them stronger positions in governance. Warfare, in this interpretation, did not simply strengthen central authority, but prompted rulers to deepen their ties to local elites and empower those who stood to benefit from cooperation. Some scholars have, in addition, begun to re-interpret military contracting, too, as an important vehicle for such power-sharing.

My work probes this line of study by investigating how nobles, that is, the duke and his contractors, negotiated power within the Catholic League army and, more broadly, the imperial state. In more peripheral ways my claims concerning partisan warfare and military jurisdiction carry implications for ongoing discussions about the military revolution, the emergence of the civil-military divide, and the role of violence in early modern society and culture.

Discussions among historians about the relationship between war and society have been largely an outgrowth from observations in the social sciences on the character of states, and efforts to explain their development over time. In this tradition the

pressures of warfare powerfully shape the state and its institutions.³ Modern states, so defined, employ standing armed forces, staffed with salaried professionals and administered by central bureaucracies, that monopolize violence, ensure internal peace, and secure or expand their borders. Scholars believe military pursuits drove rulers to create new central administrations and fiscal institutions that could access and extract more resources from the societies they ruled.⁴ From the late fourteenth century onwards rulers tightened their control over their own domain lands to raise cameral revenue, levied new excise taxes and then, during the seventeenth century, created fiscal states that used strong tax bases to secure either public debts or other borrowing.

During the last fifty years the notion that Europe underwent a “military revolution” in the early modern period has organized an extensive literature on war’s role in European modernity.⁵ The original thesis and its many variations posit not simply that warfare itself drove state formation, but that particular changes in technology and tactics triggered new demands on military organization and finance that drove rulers to create new forms of bureaucracy and taxation. Historians have since used the thesis to inform

³ See for example Max Weber, *From Max Weber: Essays in Sociology*, ed. and trans. H.H. Gerth and C. Wright Mills (New York: Routledge, 2007); and Otto Hintze, *The Historical Essays of Otto Hintze* (New York: Oxford University Press, 1975).

⁴ See for example the influential Charles Tilly, *Coercion, Capital, and European States, AD 990-1992* (Cambridge: Blackwell, 1992); Richard Bonney, *The European Dynastic States, 1494-1660* (New York: Oxford University Press, 1991); and Paul Kennedy, *The Rise and Fall of the Great Powers: Economic Change and Military Conflict from 1500 to 2000* (New York: Vintage, 1989).

⁵ Geoffrey Parker’s remains the most influential version of the thesis, Geoffrey Parker, *The Military Revolution: Military Innovation and the Rise of the West, 1500-1800* (Cambridge: Cambridge University Press, 1996); Michael Roberts’ original essay and articles by other contributors are reprinted in Clifford J. Rogers, ed. *The Military Revolution Debate: Readings on the Military Transformation of Early Modern Europe* (Boulder: Westview, 1995).

discussions on how military pressures influenced how rulers and elites produced different republican or absolutist state forms, now termed fiscal-military states.⁶ Military revolution now serves as a shorthand concept to interpret the entire spectrum of military change across the early modern period.

Beyond state formation the broader literature on war and society has tried to locate military change within the period's general history, in particular those narratives that trace the roots of capitalism and bourgeois society in Europe.⁷ State regulatory powers and monopolies on force are often held to have contributed, for example, to processes that encouraged discipline in human behavior and diminished violence in daily life for most people. Historians forward theories about how, in the sixteenth century and afterward, people gradually internalized patterns of restraint and psychological inhibitions that accompanied the growth of monarchical power, urban society, modern business relationships, public law, and new philosophies that influenced authorities in their search for order.⁸ Scholars emphasize factors outside military pressures, like the

⁶ Most begin from Barrington Moore's classic *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Boston: Beacon, 1993), originally published in 1966, and include Brian M. Downing, ed. *The Military Revolution and Political Change: Origins of Democracy and Autocracy in Early Modern Europe* (Princeton: Princeton University Press, 1992); Theda Skocpol, *Democracy, Revolution, and History* (Ithaca: Cornell University Press, 1998); and Thomas Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge: Cambridge University Press, 1997).

⁷ Major representatives include André Corvisier, *Armies and Societies in Europe, 1494-1789* (Bloomington: Indiana University Press, 1979); Frank Tallett, *War and Society in Early-Modern Europe, 1495-1715* (London: Routledge, 1992); J.R. Hale, *War and Society in Renaissance Europe, 1450-1620* (Montreal: McGill Queen's, 1998); and M.S. Anderson, *War and Society in Europe of the Old Regime, 1618-1789* (Montreal: McGill Queen's, 1998).

⁸ Influential theorists include Max Weber, *From Max Weber*; Norbert Elias, *The Civilizing Process*, trans. Edmund Jephcott (Oxford: Blackwell, 2000), and his *The Court Society*, trans. Edmund Jephcott (New

concern for religious uniformity, good justice and conflict management, that drove state growth.

Rulers managed to foster new patterns of order, the argument sometimes goes, by developing standing armies and navies, first as objects to be restrained, and then as agents for its imposition. Rulers restricted traditional forage and plunder rights, subjected troops to harsh discipline, and redefined soldiers as members in a distinct profession, the military, whose institutions stood apart from broader society. By the turn of the eighteenth century many rulers kept permanent peacetime forces who behaved with restraint toward their own subjects, in theory, and reinforced the state's newfound judicial and military power. In the process they helped create the emerging civil-military divide and allowed rulers to pursue limited cabinet wars with minimal involvement by the local population.

Historians once believed rulers used their new military power to pacify the great magnates and regional nobilities who opposed their efforts to monopolize public authority. Nobles entered a long period of decline, it was said, as growth in markets and trade diminished their power relative to the towns. Rulers struck bargains to tax commercial wealth, drew learned burghers into their councils, created rational modern bureaucracies to administer their prerogatives and finances, and marginalized the

York: Pantheon, 1983); Gerhard Oestreich, *Neostoicism and the Early Modern State* (Cambridge: Cambridge University Press, 1982); and Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage, 1995).

nobility's role in government. Nobles fought back to preserve their judicial and military rights, but rulers overcame their resistance, ended their local autonomy and forced them to enter state service at court, in the army and in administration alongside burghers.

In time the nobles were transformed, in this view, from rustic warrior elites into urbane courtiers under crown control. Only once the nobles had been tamed could rulers establish peace and prosperity within their realms. In regions where the towns remained weak, on the other hand, as in central and eastern Europe, nobles captured the autocratic state for their own purposes and kept their societies backward relative to the west except where bourgeois influences touched them.⁹

Older narratives like these, which understand transformations among European elites as products of broad political, social and cultural embourgeoisement, continue to shape how scholars view military change during the period. Specialists argue that fighters re-invented how they approached their vocation as they struggled to figure out optimal responses to tactical infantry and master the technical challenges in siegecraft and ordinance.¹⁰ In this way the bold warrior, committed to the noble's ideals of chivalry and personal prowess, gave way to the professional soldier, committed in his own way to the townsman's technical proficiency and rational calculation.¹¹ Soldiers succeeded to

⁹ Some classic national studies along these general lines include Lawrence Stone, *The Crisis of the Aristocracy, 1558-1641* (Oxford: Clarendon, 1965); and Hans Rosenberg, *Bureaucracy, Aristocracy and Autocracy: The Prussian Experience, 1660-1815* (Boston: Beacon, 1966).

¹⁰ On technical changes see Bert S. Hall, *Weapons and Warfare in Renaissance Europe: Gunpowder, Technology, and Tactics* (Baltimore: Johns Hopkins, 1997).

¹¹ See for example D.J.B. Trim, ed. *The Chivalric Ethos and the Development of Military Professionalism* (Brill: Boston, 2003).

the extent they adopted the bourgeois ethos, and failed to the extent their officer corps held on to the old aristocratic ethos, seen as the chief obstacle to military professionalism in old regime armies.

In recent decades, however, historians have dismantled narratives that suppose either absolute power on the part of the state or, indeed, any sharp divide between nobles in decline and bourgeois on the rise. Renewed inquiries into Europe's nobilities have demonstrated their continued vitality and adaptability late into the modern period.¹² Scholars describe how nobles pursued strategies to renew and consolidate their grip on power and culture, and they understand the state as a product of partnership between and among the crown and elites, not the ruler's monopoly.¹³ Rather than tell grand narratives about the nobility as a whole, or try to split Europe into east and west, they instead explore the tremendous variation in noble experience both between societies and within them.

Scholars like Ronald Asch and Jonathan Dewald, for example, have become more inclined to describe wide-ranging processes of aristocratization, not embourgeoisement,

¹² See for example Arno Mayer, *The Persistence of the Old Regime: Europe to the Great War* (New York: Pantheon, 1981); the essential Michael Bush, *Noble Privilege* (New York: Holmes & Meier, 1983), and his *Rich Noble, Poor Noble* (Manchester: Manchester University Press, 1988); the essays in Tom Scott, ed. *The European Nobilities in the Seventeenth and Eighteenth Centuries, Vol. I: Western Europe* (New York: Longman, 1995), and Tom Scott, ed. *The European Nobilities in the Seventeenth and Eighteenth Centuries, Vol. II: Northern, Central and Eastern Europe* (New York: Longman, 1995); Rudolf Endres, ed. *Adel in der Frühneuzeit: Ein regionaler Vergleich* (Cologne: Böhlau Verlag, 1991); H. Rössler, ed. *Deutscher Adel 1430-1555* (Darmstadt, 1953), and H. Rössler, ed. *Deutscher Adel 1555-1740* (Darmstadt, 1964).

¹³ See Hillay Zmora, *Monarchy, Aristocracy and the State in Europe, 1300-1800* (New York: Routledge, 2001).

among Europe's elites by the late-seventeenth century.¹⁴ Nobles redefined themselves, in this view, by becoming a more homogenous social stratum with an established lifestyle and culture apart from the lower orders. Families who hoped to establish positions for themselves in the halls of power, or to advance their fortunes more generally, tried to educate their children to display the cultivation, refinement and manners that would identify them as rightful members in urbane good society. Some historians argue, further, that standing state armies, far from taming the nobles, in fact contributed to broad-ranged militarization in aristocratic life.¹⁵ By the late-seventeenth century aristocratic self-fashioning, the ongoing effort to prove that one belonged to the ruling elite, played a vital role in the production of modern society and culture.

In both older and newer narratives the "seventeenth-century crisis" or, more broadly, the period from roughly 1560 to 1660, served as a catalyst in the search for public order and new state institutions to manage conflict.¹⁶ Climate change, the price revolution and political upheavals contributed to widespread famine, poverty and lawlessness that prompted magistrates to crack down on social marginals and impose

¹⁴ Ronald G. Asch, *Nobilities in Transition: Courtiers and Rebels in Britain and Europe, 1550-1700* (London: Arnold, 2003); Jonathan Dewald, *Aristocratic Experience and the Origins of Modern Culture: France, 1570-1715* (Berkeley: University of California Press, 1993), and his *The European Nobility, 1400-1800* (Cambridge: Cambridge University Press, 1996).

¹⁵ Christopher Storrs and Hamish M. Scott, "The Military Revolution and the European Nobility, c.1600-1800," *War in History* 3:1 (1996): 1-41.

¹⁶ Eric J. Hobsbawm, "The General Crisis of the European Economy in the Seventeenth Century," *Past and Present* 5:1 (1954): 33-53; Hugh R. Trevor-Roper, "The General Crisis of the Seventeenth Century," *Past and Present* 16 (1959): 31-64; Trevor H. Aston, *Crisis in Europe, 1560-1660* (New York: Basic Books, 1965); Theodore K. Rabb, *The Struggle for Stability in Early Modern Europe* (New York: Oxford, 1975); and Geoffrey Parker, ed. *The General Crisis of the Seventeenth Century* (New York: Routledge, 1997).

harsher criminal penalties. Nobles, for their part, saw their landed incomes smashed and faced constant struggles over rights, privileges and jurisdictions. Historians once thought this general crisis accelerated the supposed process of noble decline underway since the fifteenth century. Rulers crushed one great rebellion after another and subdued the nobles by the late-seventeenth century, in this view.

More recently, however, scholars have viewed the period's civil wars as a long negotiation process whereby nobles and rulers worked out their respective positions within emerging state institutions. Great magnates and other nobles re-invested their resources to become power-brokers at court and in administration. They placed trusted clients in royal offices, law courts and military commands, and spun patronage webs out into the same provinces they had once ruled from the countryside. Nobles and patricians mortgaged their lands and took on debts to afford their new offices and positions. In exchange for the legal authority they gave up to the state they gained control over the legislative process and ensured that favorable laws protected their land rights and the privileges of rank. In effect they traded rural lordship and autonomy for state power and fixed legal hierarchies that secured their position as rulers.

Recognition of the continuity in noble power has prompted specialists to re-evaluate elites' participation in warfare during the period. Historians now believe nobles and other local power-holders cooperated with rulers to develop new military institutions that would both meet the demands of warfare and also preserve their privileged position as those who fought. Many recent studies trace how rulers knitted together court patronage, networks of kinship and friendship among clients and allies, and worked out

new tax systems and mutual obligations to pull together the necessary resources.¹⁷ Fiscal-military states depended upon empowering those who stood to benefit from cooperation, scholars now argue, whether in republican states based on contractual representation, or in absolutist states based on administrative power-sharing.

Historians have recently favored the term “military devolution” to describe the process whereby rulers forged interdependent relationships with local power.¹⁸ My dissertation suggests that negotiations over the Catholic League army’s institutions can be understood as a means by which the emperor, Maximilian and the duke’s contractors sought to forge such interdependent relationships in the process of reforming the empire’s constitutional settlement.

Devolution, as an historical concept, has prompted renewed interest in military contractors and their role in state formation.¹⁹ In the past most scholars considered them mercenaries, instruments for dynastic particularism and an obstacle to rulers in their search for stability and prosperity. Contractors pursued war for economic gain, scholars said, either as impoverished nobles who hoped to make up for lost incomes, or magnates

¹⁷ Representative examples include Stephen J. Gunn, Hans Cools and David Grummitt, *War, State, and Society in England and the Netherlands 1477-1559* (Oxford: Oxford University Press, 2007); M.J. Braddick, *State Formation in Early Modern England, c. 1550-1700* (Cambridge: Cambridge University Press, 2000); David Potter, *War and Government in the French Provinces: Picardy, 1470-1560* (Cambridge: Cambridge University Press, 1993); and John Brewer’s classic *The Sinews of Power: War, Money, and the English State, 1688-1783* (London: Unwin Hyman, 1989).

¹⁸ See in particular the essays by Ronald G. Asch, Jan Glete, Stephen Gunn and David Parrott in *European Warfare, 1350-1750*, ed. Frank Tallett and D.J.B. Trimm (Cambridge: Cambridge University Press, 2010).

¹⁹ See for example the essays in Stig Förster, Christian Jansen and Günther Kronenbitter, eds. *Rückkehr der Condottieri? Krieg und Militär zwischen staatlichem Monopol und Privatisierung: Von der Antike bis zur Gegenwart* (Paderborn: Schöningh, 2010).

who saw an opportunity for profiteering. Most had little interest in cooperation with the state except to enhance their own regional power at the ruler's expense. War for profit reached its peak during the seventeenth-century crisis, when contractors made war feed war and inflicted fire and ruin upon the populace until rulers developed strong enough fiscal institutions to do away with them later in the century.

Recently, however, scholars have begun to investigate military contracting as one expression of shared governance between rulers and elites and an expression of noble power and identity.²⁰ Contractors used their access to wealth, credit, local power, and networks of friends and followers to provide rulers with resources, skills, expertise and manpower otherwise beyond their reach. In return they gained lands, titles, offices and influence through the state, and used these to expand their clienteles and power. Rulers did engage contractors most extensively during the early-seventeenth century, but they remained important to military efforts under the old regime, as well, particularly in the support services and colonial endeavors. David Parrott goes so far as to argue that military contracting in some form, what he calls "public-private partnership," has always been the norm throughout European history. Only during one brief window, the period from roughly 1760 to 1960, have governments wished to establish state-run military institutions, and then only to make use of industrial technology and mass mobilization.

Other historians suggest, further, that dynasts themselves might be better understood as entrepreneurs who built their states in order to gain a competitive

²⁰ Most importantly David Parrott, *The Business of War: Military Enterprise and Military Revolution in Early Modern Europe* (Cambridge: Cambridge University Press, 2012).

advantage in armed force.²¹ Economic in its outlook, this interpretation holds that societies always seek greater security for trade and reduced risk in business transactions. Leaders confer wealth and political power upon those parties who can provide the best protection at the lowest cost, that is, upon parties who possess the means for violence and sell it as a utility service.

Military contracting, in this view, differs little from other modes of rule elites employ to consolidate political power. During the middle ages local elites offered the cheapest protection, but early modern rulers developed new “complex organizations” to marshal the skills, labor, information and capital necessary to produce violence at lower overall costs. Such organizations included Italian-trace artillery fortresses, infantry regiments and battlefleet navies, all orchestrated, ultimately, by fiscal-military states. During the eighteenth century these states fostered greater prosperity, in this view, because they relieved subjects from the heavier costs of relying on local elites for protection. My dissertation eschews any attempt to define “entrepreneurship,” rejects the term “enterpriser” in favor of “contractor,” and thereby avoids entanglement in wider debates about early modern capitalism.

Historians freely acknowledge, on the other hand, that warfare could serve not simply to integrate states, as in the decades around 1500, but also to unravel their

²¹ This line of reasoning is associated with Jan Glete; see for example his *War and the State in Early Modern Europe: Spain, the Dutch Republic and Sweden as Fiscal-Military States, 1500-1660* (London: Routledge, 2002), and his *Navies and Nations: Warships, Navies and State Building in Europe and America, 1500-1860* (Stockholm: Almqvist & Wiksell International, 1993). His work draws extensively on economic theorists, in particular Frederic C. Lane, Joseph Schumpeter, Douglas C. North.

constitutions and cause them to decline, as in the decades around 1600. Since the nineteenth century historians have tended to measure a given state's success in the seventeenth century by whether it emerged with strong monarchy and state-controlled military forces going into the eighteenth. France, Brandenburg-Prussia and, to a lesser extent, Austria and Russia emerged with solid state foundations. States that saw their monarchy weaken, like Spain, or that never established strong monarchy, like the Holy Roman Empire, failed the nationhood test and sank into decline, fated to become battlegrounds for stronger countries.

In the empire's case German nationalists established a long interpretive tradition, still influential today, that considered the Thirty Years War to have shattered German society, condemned the empire to long decay and delayed German nationhood by two centuries. Imperial institutions ceased to function as a state, the princes became fully sovereign at the crown's expense, and German lands became vulnerable to foreign intervention and manipulation. Post-war scholars, too, have often interpreted the war as the foundational disaster in German modernity, responsible for authoritarian traditions that contributed to Germany's militarism and aggressive nationalism in the industrial era.²²

Military contractors tended, in this historiography, to shoulder a large portion of the blame for preventing the empire from forming a strong monarchy. Most fought to advance their own fortunes, scholars said, with little interest in the causes they served or

²² See Fritz Dickmann, *Der Westfälische Frieden* (Münster, 1959).

the constitutional questions involved.²³ In the process they enabled lords great and small, any who could pay them, to pursue their own dynastic ambitions without regard for emperor's authority. Habsburg dynasts tried to use them to strengthen their clientage networks and build support for reforms to the monarchy, but in the end many worked against the Habsburgs' and the empire's common good. In particular Albrecht von Wallenstein, the Bohemian nobleman who raised entire armies for Ferdinand between 1625 and 1630, then again between 1631 and 1634, is often thought to have undermined the emperor's policies to further his own interests.²⁴ Others entered service with Denmark, Sweden or France, or served princes who made common cause with foreign powers, in an effort to carve out new principalities for themselves amid the empire's tatters. In this view contractors prevented the crown from developing strong enough military institutions to back up its statehood.

In recent decades, however, historians have begun to view the Holy Roman Empire as a far more successful state than previously believed. They describe how its constitution evolved through continuous reforms into a mixed or constitutional monarchy, both feudal and federal, that could be adapted, through compromise, to

²³ See wide-ranging discussions in Reinhard Baumann, "Die deutschen Condottieri. Kriegsunternehmertum zwischen eigenständigem Handeln und "staatlicher" Bindung im 16. Jahrhundert," in *Rückkehr der Condottieri?*, 111-126; as well as Lothar Höbelt, "Götterdämmerung der Condottieri. Der Dreißigjährige Krieg," in *ibid.*, 127-140.

²⁴ On Wallenstein see Geoff Mortimer, *Wallenstein: The Enigma of the Thirty Years War* (New York: Palgrave, 2010); and Golo Mann, *Wallenstein, His Life Narrated* (New York: Holt Rinehart and Winston, 1976).

manage conflict within the realm.²⁵ Imperial defense plays an important role in the new interpretations, but not the overwhelming importance assigned military institutions in other states.

Recent work on the Thirty Years War itself emphasizes how the conflict turned around contrary interpretations of the empire's past and present reforms.²⁶ Scholars no longer portray the war as a dynastic free-for-all between princes who aspired to sovereignty, but rather as a civil war between parties who sought to revise the constitution to better guarantee their rights, privileges and position within the polity. Legal constraints and considerations shaped their actions at every stage in the war. In continuous assemblies, summits and negotiations, belligerent parties reached a series of compromises and military agreements that culminated in the Westphalian settlement. Some historians argue that the treaties should be seen not as a watershed in German history, but one more in a long line of successful reforms.

My dissertation suggests that Maximilian's contractors participated in his war effort precisely because they hoped to shape ongoing imperial reform to their advantage and ensure themselves strong positions within the monarchy. Scholars have made similar efforts, albeit sporadic ones, to re-interpret the methods and strategies contractors used to

²⁵ See for example Barbara Stollberg-Rilinger, *Das heilige römische Reich deutscher Nation: vom Ende des Mittelalters bis 1806* (Munich: Beck, 2006); Thomas Brady, *German Histories in the Age of Reformation, 1400-1650* (Cambridge: Cambridge University Press, 2009); and Joachim Whaley, *Germany and the Holy Roman Empire*, 2 vols (Oxford: Oxford University Press, 2011).

²⁶ Most importantly Peter Wilson, *Europe's Tragedy: A History of the Thirty Years War* (London: Penguin, 2009); but also Ronald G. Asch, *The Thirty Years War: The Holy Roman Empire and Europe, 1618-48* (New York: St. Martin's, 1997); and Günter Barudio, *Der Teutsche Krieg, 1618-1648* (Frankfurt: S.Fischer, 1985).

conduct the war in the field. In the past most scholars have judged them ineffective campaigners, bereft of strategic purpose or vision. Many have cited the contracting system as a reason for the war's length and brutality, as mercenaries savagely squeezed local populations for profit.²⁷ Unwilling to pay or supply the troops effectively their operations were determined entirely by the need for forage, supplies and billets rather than purposeful objectives.²⁸

Contractors, seen as capitalists, tried to recruit troops as cheaply as possible, historians suppose, and this meant they recruited low-quality "proletarianized" men who were as expendable as they were unreliable. Soldiers held no attachment to their officers, in this view, except as laborers who often went on strike to insist on better conditions.²⁹ Most troops became little more than barbarous locusts, uninterested in their campaigns except to brutalize the populace for forage and valuables, and commanders hesitated to risk battle with such reluctant fighters. Princes could seldom achieve their political goals with the military means at their disposal, historians have often believed, and this has led

²⁷ See for example Ronald G. Asch, *The Thirty Years War: The Holy Roman Empire and Europe, 1618-48* (New York: St. Martin's, 1997).

²⁸ See for example Martin van Creveld, *Supplying War: Logistics from Wallenstein to Patton* (Cambridge: Cambridge University Press, 2004); and David Parrott, "Strategy and Tactics in the Thirty Years' War: The 'Military Revolution'," in *Military Revolution Debate*, 227-251.

²⁹ See for example the classic Fritz Redlich, *The German Military Enterpriser and His Work Force: A Study in European Economic and Social History*, 2 vols (Wiesbaden: F.Steiner, 1964).

scholars to judge the entire Thirty Years War as a wasteful, futile and meaningless bloodbath.³⁰

Most judgments like these concerning military effectiveness have turned on the relative importance of battles, sieges and supply lines, matters that have preoccupied military thinkers and historians during much of the industrial age. In his original military revolution thesis Michael Roberts argued that Dutch and Swedish tactical reforms had, by the 1630s, more-or-less created the professional officer corps and, with it, the modern operational art centered on rapid movement and decisive battle.³¹ Geoffrey Parker's work, on the other hand, far more influential now, emphasizes a revolution in ordinance and siegecraft in the decades around 1500 that dominated warfare until the French Revolution. Colossal sieges made campaigns expensive, static, attrition-based, and indecisive for everyone, not just contractors, and battles became nearly irrelevant to successful operations.

Subsequent debates on whether Europe experienced a military revolution have, until recently, done little to revise traditional views about military contractors and their shortcomings. Central to each version of the thesis is that military innovation forced rulers to create institutions that could best incorporate the new techniques and their associated personnel. Contractors, operating outside the state, required only finances,

³⁰ For example C.V. Wedgwood, *The Thirty Years War* (London: Jonathan Cape, 1938), and Geoffrey Parker, ed. *The Thirty Years' War* (London: Routledge, 1997).

³¹ See Michael Roberts, "The Military Revolution, 1560-1660," in *Military Revolution Debate*, 13-35; and further discussion in Russell F. Weigley, *The Age of Battles: The Quest for Decisive Warfare from Breitenfeld to Waterloo* (Bloomington: Indiana University Press, 2004).

and their techniques therefore play little role in the debate except where they increased costs. Few historians believe any longer, as Roberts did, that commanders came up with revolutionary new ways to win battles beyond trying to optimize their use of cavalry, infantry and artillery. Parker even argues that the decades around 1600 saw a sharp decline and regression in military methods due, in large part, to rulers' over-reliance upon contractors to fight their wars.

Scholars who support the recent notion of a military "devolution," on the other hand, credit contractors with an entirely different innovation, that is, the ability to sustain continuous operations in the field over many campaigns.³² In his work on military enterprise David Parrott suggests that historians should consider operational arts, not battle tactics or particular strategies, the most important innovation in early modern warfare. He emphasizes the variety of approaches contractors used to produce results, the adaptability they showed in their approach to campaigns, and their astute use of business networks and contacts to keep their troops supported under many challenging situations. Rewards for contractors' financial commitment, in prestige and land, depended upon success, and their efforts allowed belligerents to deploy forces effectively for long-term conflicts.

Parrott argues, further, that their armies showed tremendous fighting quality and motivation during the Thirty Years War. Contractors recruited the best soldiers they could find, not reluctant ruffians, and invested heavily to maintain their effectiveness,

³² David Parrott, *Business of War*.

cohesion and corporate identity in extended campaigns. In their units they maintained a veteran core willing to march hundreds of miles in each campaign, serve many long years under adverse conditions and train raw recruits who, if they did not perish or desert, became veterans themselves. As evidence for their motivation scholars point out the many ferocious battles they fought and the high casualty rates they endured, particularly among officers and senior commanders themselves, who led from the front.³³

Scholarship on late medieval warfare, too, has sometimes credited contract-retained fighters with similar innovation in sustained campaigning.³⁴ Stipendiaries who went unpaid by their rulers, for example, found ways to live from the land that served, at the same time, to advance their military goals. Campaigns integrated forage, raids, reprisals, sieges, and, when advantageous, pitched battles into an established concept of warfare that made little distinction between combat on the battlefield and combat on the “war ride.”³⁵ Their methods helped establish a political economy that enabled rulers to deploy forces far afield for long periods beyond their near-term means.

³³ See William P. Guthrie, *Battles of the Thirty Years War: From White Mountain to Nordlingen, 1618-1635* (Westport: Greenwood Press, 2002), and his *The Later Thirty Years War: From the Battle of Wittstock to the Treaty of Westphalia* (Westport: Greenwood Press, 2003).

³⁴ See for example William H. McNeill, *The Pursuit of Power: Technology, Armed Force, and Society Since A.D. 1000* (Chicago: Chicago University Press, 1982).

³⁵ See Philippe Contamine, *War in the Middle Ages* (Oxford: Oxford University Press, 1986); Hans Delbrück, *History of the Art of War Within the Framework of Political History*, Vols 3 and 4; J.F. Verbruggen, *The Art of Warfare in Western Europe During the Middle Ages from the Eight Century to 1340* (New York: North-Holland, 1976); Clifford J. Rogers, “The Military Revolutions of the Hundred Years War,” in *Military Revolution Debate*, 55-94; and Clifford J. Rogers, “‘As if a New Sun had Arisen’: England’s Fourteenth Century RMA,” in *The Dynamics of Military Revolution, 1300-2050*, ed. MacGregor Knox and Williamson Murray (Cambridge: Cambridge University Press, 2001), 15-34.

Historians have often acknowledged the many long-term continuities between fifteenth-century and eighteenth-century warfare. In particular they emphasize the importance of sieges and attrition over battle-oriented offensives, save during the decades around 1500 before artillery fortresses became common. Seldom do they recognize the continued, overwhelming predominance of partisan tactics, however. In early modern contexts scholars tend to view forage, plunder and raids as emergency support efforts taken when commanders could not provide their troops with adequate supplies. Frequent plunder, as evident during the Thirty Years War, is taken as a symptom of widespread supply breakdown, another intrinsic weakness to war by contract, else dismissed with truisms about how war always brings pillage. Parrott, too, ignores small war when he describes how contractors sustained their troops. By relegating partisan actions to the category of logistics, outside combat proper, historians see them as evidence not for an established method of war, but rather the absence of coherent strategy or deliberate military thought.

My dissertation posits that partisan warfare, and in particular the hunt for spoils, underpinned the Catholic League army's institutional culture, political economy and campaign methods. Some few scholars have tried to bring partisan warfare into the center of discussions about military change across the early modern period.³⁶ Historians

³⁶ See for example Johannes Kunisch, *Der Kleine Krieg. Studien zum Heerwesen des Absolutismus* (Wiesbaden: F.Steiner, 1973); Martin Rink, *Vom "Partheygänger" zum Partisanen. Die Konzeption des kleinen Krieges in Preussen 1740-1813* (Frankfurt: Peter Lang, 1999), and his "Die Verwandlung. Die Figur des Partisanen vom freien Kriegsunternehmer zum Freiheitshelden," in *Rückkehr der Condottieri?*, 153-170; as well as George Satterfield, *Princes, Posts and Partisans: The Army of Louis XIV and Partisan Warfare in the Netherlands (1673-1678)* (Boston: Brill, 2003).

of Spain, in particular, assign small war an important operational role during Spain's efforts to hold dominion in Italy and the Netherlands.³⁷ In trying to bring regions under secure control during the late-sixteenth century they developed what historians call the "Spanish School," a strategy to suppress local resistance through fortress garrisons, small detachments and patrols, and commerce raids on land and sea. They point out how the Spanish armies organized their companies to operate autonomously in detachments down to as small as ten men who could occupy, search and perform specialized tasks to combat both enemy troops and local fighters.

Scholars debate the extent to which German contractors tried, or had the resources, to replicate the Spanish strategy at various times during the Thirty Years War. Some argue they opted to pursue decisive battle in order to avoid long-term expenses, others believe they sought broad regional control in order to secure their power and wrong-foot the enemy.³⁸ In few cases, however, do historians include combat between rival parties, or between soldiers and locals, within wider strategies to gain local superiority and collaboration. Most historians treat local conflict as incidental violence when soldiers stole goods at swordpoint and villagers took revenge on stragglers and patrols. Some, moreover, dispute whether the term "occupation" or the concept of

³⁷ See the classic Geoffrey Parker, *The Army of Flanders and the Spanish Road, 1567-1659: The Logistics of Spanish Victory and Defeat in the Low Countries' Wars* (Cambridge: Cambridge University Press, 2004); and Fernando González de León, *The Road to Rocroi: Class, Culture and Command in the Spanish Army of Flanders, 1567-1659* (London: Brill, 2009).

³⁸ See in particular the essays by Simon Adams and David Parrott in *Military Revolution Debate*.

partisan warfare can be validly applied to societies without nationalist sensibilities.³⁹ Only battles and sieges, they imply, could constitute warfare proper before the late-eighteenth century.

My dissertation argues, to the contrary, that commanders used partisan methods to drive out enemy troops, secure regional control and establish occupation regimes. I join those scholars who have, more recently, drawn attention to widespread involvement by local populations throughout the war.⁴⁰ Many emphasize long traditions of communal defense in the German lands that remained strong until well into the late-seventeenth century.⁴¹ Most people kept household arms to help defend their localities from attack, not only in the towns but in villages as well. Weapons circulated widely on both legal and illegal markets, and efforts by authorities to regulate them largely failed. German scholars writing in the late-nineteenth century recognized this and had little hesitation incorporating partisan warfare and occupations into their operational histories of the war.⁴²

³⁹ See for example the essays in Markus Meumann and Jörg Rogge, eds. *Die besetzte Res Publica: zum Verhältnis von Ziviler Obrigkeit und militärischer Herrschaft in besetzten Gebieten vom Spätmittelalter bis zum 18. Jahrhundert* (Berlin: Lit, 2006).

⁴⁰ See for example Michael Kaiser, "Inmitten des Kriegstheaters: Die Bevölkerung als militärischer Faktor und Kriegsteilnehmer im Dreißigjährigen Krieg," in *Krieg und Frieden: Militär und Gesellschaft in der frühen Neuzeit*, ed. Bernhard Kroener and Ralf Pröve (Paderborn: Schöningh, 1996), 281-304.

⁴¹ See B. Anne Tlusty, *The Martial Ethic in Early Modern Germany* (New York: Palgrave, 2011).

⁴² See for example Johann Heilmann, *Kriegsgeschichte von Bayern, Franken, Pfalz, und Schwaben von 1506-1651*, 2 vols (Munich: J.G. Gotta, 1868).

Legal historians, for their part, stress how prevailing customs and laws implicated local populations in warfare and feuding until at least the late-seventeenth century.⁴³ In the context of rebellion, in particular, anyone considered an outlaw, rebel, or who otherwise stood in open defiance to the sovereign's laws forfeited any claims to immunity or protection. Persons found to have rendered them aid or collaboration, meaning in particular their tenants, dependents and subjects, could be rightfully dispossessed or killed in reprisal. Some scholars argue these categories remained virtually unchanged between the fourteenth and eighteenth centuries until the civil-military divide became sharp enough for thinkers to elaborate broader non-combatant immunities.

In the case of the Thirty Years War scholars have largely neglected to understand the legal considerations that influenced how contractors and their armies interacted with local populations.⁴⁴ Having for so long considered the war a conflict between more-or-less sovereign princes many forget that the war proceeded, from the emperor's perspective, as a rebellion in defiance to his authority. New imperial history, on the other hand, situates the war within long-term constitutional reforms intended to strengthen the empire's sovereign rule of law, enforce the public peace, and diminish private warfare

⁴³ See Matthew Bennett, "Legality and Legitimacy in War and its Conduct, 1350-1650," in *European Warfare, 1350-1750*, 264-277; Geoffrey Parker, "Early Modern Europe," in *The Laws of War: Constraints on Warfare in the Western World*, ed. Michael E. Howard et al. (New Haven: Yale University Press, 1994), 40-58.

⁴⁴ One notable exception is Kersten Krüger, "Kriegsfinanzen und Reichsrecht im 16. und 17. Jahrhundert," in *Krieg und Frieden*, 47-58.

within the realm.⁴⁵ This line of work seems to suggest that any effort to interpret how contractors fought should consider their position within the imperial state.

In regulating the treatment of local populations in war, for example, imperial legislation continued to draw on practices common to the late-medieval feud. Feuds proper are held to have died out in the German lands by the mid-sixteenth century as parties began to entrust their claims to the imperial courts. Early modernists have found, however, that in many places the customs associated with the feud survived even when higher legal institutions like royal courts seemed to de-legitimize them.⁴⁶ They stress how feuds, other forms of group violence, and even one-on-one duels continued to feed into the exercise of power at all social levels well into the seventeenth century and beyond.⁴⁷ My dissertation suggests that partisan methods drew heavily on lordly violence and rural modes of power, including the feud, to establish local supremacy and rule.

⁴⁵ See for example Joachim Whaley, *Germany and the Holy Roman Empire*; and Thomas Brady, *German Histories in the Age of Reformations*.

⁴⁶ Early modern feud studies build upon work by medievalists, themselves inspired by post-colonial anthropologists seeking to understand dispute resolution in tribal societies; influential anthropology includes Max Gluckman, "The Peace in the Feud," *Past and Present* 8 (1955): 1-14; J. Black-Michaud, *Feuding Societies* (Oxford: Blackwell, 1980); C. Boehm, *Blood Revenge: The Anthropology of Feuding in Montenegro and Other Tribal Societies* (Lawrence: University Press of Kansas, 1984); medieval work follows from J.M. Wallace-Hadrill, "The Bloodfeud of the Franks," *Bulletin of the John Rylands Library* 41 (1959): 459-487; and includes William Miller, *Bloodtaking and Peacemaking: Feud, Law and Society in Saga Iceland* (Chicago: Chicago University Press, 1990); and Howard Kaminsky, "The Noble Feud in the Later Middle Ages," *Past and Present* 177 (2002): 55-83.

⁴⁷ See the classic Edward Muir, *Mad Blood Stirring: Vendetta in Renaissance Italy* (Baltimore: Johns Hopkins, 1998); as well as Stuart Carroll, *Blood and Violence in Early Modern France* (Oxford: Oxford University Press, 2006); Keith Brown, *Bloodfeud in Scotland, 1573-1625: Violence, Justice, and Politics in an Early Modern Society* (Edinburgh: J. Donald, 1986); and Jeppe Büchert Netterstrøm, ed. *Feud in Medieval and Early Modern Europe* (Aarhus: Aarhus University Press, 2007).

German studies, for their part, have tended to emphasize how noble feuding or public enmity (*Fehde*) connected lordship (*Herrschaft*) to wider processes of state formation in the empire.⁴⁸ During the middle ages feuds helped establish clear processes for legal action, including violence, whereby lords could secure and protect their rights and, on the whole, foster peace.⁴⁹ Subsequent debates have turned on whether feuding practices extended the legal order down to dependent villagers as well. Some historians believe lords fought not only to defend their own rights, but those of their villagers as well. Others, however, see the feud in functional terms as system that helped lords subjugate and extract surplus resources from their peasants.⁵⁰ Still others have shown that villagers themselves pursued feuds as a means for dispute resolution just as avidly as did their lords.⁵¹

My dissertation tries, in a similar vein, to situate violent disputes between League commanders and local authorities within the context of state-formation. Many scholars have treated the contentious civil-military relations that characterized the Thirty Years War as one symptom within a wider general crisis of authority in the early-seventeenth century. Research on these lines has remained limited to what historians call the soldier's

⁴⁸ See for example Hilary Zmora, *State and Nobility in Early Modern Germany: The Knightly Feud in Franconia, 1440-1567* (Cambridge: Cambridge University Press, 1997).

⁴⁹ In this view most follow the classic Otto Brunner, *Land and Lordship: Structures of Governance in Medieval Austria*, trans. H. Kaminsky and J. Van Horn Melton (Philadelphia: University of Pennsylvania Press, 1992).

⁵⁰ Gadi Algazi, *Herrengewalt und Gewalt der Herren im Späten Mittelalter: Herrschaft, Gegenseitigkeit und Sprachgebrauch* (Frankfurt: Campus Verlag, 1996).

⁵¹ Christine Reinle, *Bauernfehden: Studien zur Fehdeführung Nichtadliger im spätmittelalterlichen römisch-deutschen Reich, besonders in den bayerischen Herzogtümern* (Stuttgart: Steiner, 2003).

“libertine lifestyle” and to links between army camp communities and organized crime.⁵² My work, on the other hand, investigates whether military contractors, by using lordly violence to assert jurisdiction in matters that involved their soldiers, might have extended the imperial monarchy’s juridical prerogatives, as exercised by commanders, to the local level.

In my study of the Catholic League army’s institutional culture I find the concept of lordship pivotal to understanding Maximilian’s negotiations with his contractors. Both parties sought, in their own ways, to establish particular lordly prerogatives through the army’s practices and operations in an effort, I argue, to make their own lordship an essential vehicle for the emperor’s military and judicial strength. Maximilian wielded constitutional authority and his contractors, through him, positioned themselves as agents who extended state power to the ground level by means of lordship.

Sources & Institutions: Maximilian, Military Contractors, Lordship and the State

My dissertation relies, for its evidence, upon Maximilian’s correspondence with his military contractors, commissioners and other officials during the war’s early years. In this section I discuss, first, my approach to the sources, and second I offer some essential background on Maximilian’s military institutions and their deployment through the Catholic League. In the process I situate Maximilian, his contractors, and the Catholic

⁵² See for example Brage Bei der Weiden, “Niederdeutsche Söldner vor dem Dreißigjährigen Krieg: Geistige und mentale Grenzen eines sozialen Raums,” in *Krieg und Frieden*, 85-108; and John Lynn, *Women, Armies and Warfare in Early Modern Europe* (Cambridge: Cambridge University Press, 2008).

League itself within the empire's broader constitutional framework. In addition I make use of contracts and articles of war in the pages that follow to illustrate the structures and mechanisms whereby Maximilian and his commanders practiced lordship through the army's operations.

In many ways this dissertation reflects my ongoing search for an overarching, chronological context within which to tease apart the shifting web of language and idiom Maximilian and his officers used during their negotiations. Each letter, usually performed and transcribed before an audience, contains rich terminologies that correspondents marshaled in order to represent themselves, establish their claims to reputation and standing and, in the process, strengthen their bargaining positions vis-à-vis the duke. Maximilian and his administration changed the terms of this discourse, however, during the course of negotiations, and thereby created new contexts wherein important concepts like "valor," (*valor*) "devotion" (*devotion*) or "good regiment" (*gutes Regiment*) took on new meanings and inflections.

My dissertation eschews deeper probing into this social imaginary, however, in order to sharpen its focus on the specific institutional practices under contention, namely open-table maintenance and the hunt for spoils through partisan warfare. In future projects I hope to use the negotiation process I have traced in order to unpack their terminologies more analytically. In the meantime, however, I render Maximilian's and his officers' language uncritically, and focus instead on their efforts to claim prerogatives and concessions from one another.

My work also tends, in discussing complex negotiations taking place over prolonged periods, to present discursive claims as though they offered transparent windows onto events. I do this largely for the sake of clarity and economy, because my dissertation deals not primarily with events themselves, but rather with Maximilian's and his officers' claims about what events mean for themselves and the army more broadly. Most letters treat multiple conversation threads in tandem, reference prior missives otherwise lost from the archival record, and discuss interactions taking place entirely off the page. Their fragmentary character demands a degree of juxtaposition and inference that entails a certain repetitiveness in my references.

Maximilian's and the Catholic League's army, in its structure and practices, expressed traditions deeply shaped, like the Holy Roman Empire more broadly, by both lordship and corporate constitutionalism. Historians have seldom tried to situate the armies that fought the Thirty Years War within the empire's long-term political development. Most have tended to depict the war as a chaotic free-for-all wherein predatory dynasts used lawless mercenaries to advance their own particular ambitions without regard for the empire's broader integrity. Recent scholarship has shown, to the contrary, that participants did not trample the imperial constitution, but remained the emperor's vassals and estates, deeply committed to upholding their common laws.⁵³ Maximilian and the Catholic League, in particular, made war under the emperor's commission, charged to restore the public peace and bring its violators to justice.

⁵³ See for example Joachim Whaley, *Germany and the Holy Roman Empire*; Thomas Brady, *German Histories in the Age of Reformation, 1400-1650*; and Peter H. Wilson, *Europe's Tragedy*.

Maximilian and the other members envisioned the League, first, as an ad hoc imperial circle designed, like the regional circles, to safeguard their rights and liberties under the rule of law.⁵⁴ Original founders, the leading bishops and abbots in Franconia, Swabia and the Rhineland, hoped to defend Catholic lands against further secularization by Protestant princes until future legislation could settle the practice's illegality. Maximilian stood as their natural champion. He was the strongest prince in southern Germany and the only secular Catholic prince left in the empire besides the archdukes of Austria and the duke of Lorraine. He held legal authority, moreover, as the Bavarian circle's military director (*Kreisoberst* or *kreisausschreibender Fürst*), to uphold the peace by force within his district, per the emperor's approval.

In the League's founding charters, first in July, 1609, then again in May, 1619, members designed their organization to mirror the imperial circle's institutions. League estates met regularly in an assembly (*Ligatag*) to vote contributions for their mutual army in proportions based on the imperial register (*Reichsmatrikel*). Maximilian served as military director, as he did for the Bavarian circle, and ran the League's finances, armies and diplomacy through his administration in Munich.

By the Treaty of Munich in October, 1619, emperor Ferdinand formally recognized the League and commissioned Maximilian to help restore the public peace (*Landfrieden*) by force of arms. Maximilian now held constitutional authority to make war on peace-breakers and could draw on broad political legitimacy through the League

⁵⁴ On the Catholic League see Franziska Neuer-Landfried, *Die Katholische Liga. Gründung, Neugründung und Organisation eines Sonderbundes, 1608-1620* (Kallmünz, 1968).

and the Bavarian circle. Soon the League included not only bishoprics and abbeys, but many Catholic counts, lords and imperial cities within its orbit, including the Hohenzollern and the Fugger. Maximilian, through the emperor's commission and leadership in the League, gained control over the monarchy's reach in the empire and positioned himself as a power-broker within the imperial state.

Maximilian steered a cautious diplomacy, on the one hand, to avoid entangling the League's estates in wider Habsburg-Catholic dynastic struggles that little concerned them.⁵⁵ On the other hand, however, he hoped to advance his own position within the empire in reward for his aid and council to the crown. He sought, first, to retain the formerly free imperial city of Donauwörth, recently annexed to Bavaria, and, if possible, to reclaim the Palatine lands and electoral title from his family's senior branch, now in open rebellion.

Maximilian worked to maintain exclusive control over the League's policies and operations throughout the war.⁵⁶ He summoned frequent assemblies to ask for new contributions, but otherwise kept the League estates at arms length, and managed the

⁵⁵ See Michael Kaiser, *Politik und Kriegführung. Maximilian von Bayern, Tilly und die Katholische Liga im Dreissigjährigen Krieg* (Münster: Aschendorff, 1999); and Cordula Kapser, *Die bayerische Kriegoorganisation in der zweiten Hälfte des Dreissigjährigen Krieges, 1635-1648/49* (Münster: Aschendorff, 1997).

⁵⁶ On Maximilian and his government see Dieter Albrecht's magisterial *Maximilian I. von Bayern 1573-1651* (Munich: R. Oldenbourg, 1998); Eduard Rosenthal, *Geschichte des Gerichtswesens und der Verwaltungsorganisation Baierns, Vol 1: Vom Ende des 12. Bis zum Ende des 16. Jahrhunderts (1180-1598)* (Würzburg: A. Stuber, 1889), and his *Geschichte des Gerichtswesens und der Verwaltungsorganisation Baierns, Vol 2: Vom Ende des 16. bis zur Mitte des 18. Jahrhunderts (1598-1745)* (Würzburg: A. Stuber, 1902); as well as Reinhard Heydenreuter, *Der landesherrliche Hofrat unter Herzog und Kurfürst Maximilian I. von Bayern (1598-1651)* (Munich: Beck, 1981); and K. Staudinger, *Geschichte des Kurbayerischen Heeres, Vol 1: Insbesondere unter Kurfürst Ferdinand Maria 1651-1679* (Munich, 1901).

League's affairs through his own court councils. Bavarian coffers provided the lion's share of contributions to the League's war chest (*Bundeskasse*) and, in addition, drew on the Bavarian circle treasury (*Kreiskasse*), as well as the duke's own territorial militia fund (*Landesdefensionskasse*), to supplement them. His leadership helped ensure that League forces, despite their corporate constitution, operated, in essence, as a Bavarian army.

In the war's first few years Maximilian favored his own close courtiers for regiment and company contracts and thereby extended his own lordship through the army. Bavaria's duke, like other princes in the empire, counted several military contractors among the councilors, household officers and other clients he kept at court. Most held the title chamberlain (*Kämmerer*) and many served as Captain of the Guard (*Guardi-Hauptmann*), Master of the Hunt (*Jägermeister*), Lords Marshal (*Hofmarschall*) and, when several marshals stood present, as Lord High Marshal (*Obersthofmarschall*). In military affairs the duke prevailed upon them as advisors and consultants, deputized them to carry out special missions and, in wartime, called upon them to raise troops for service in the field. On more extended assignments the duke patented them as war councilors (*Kriegsräthe*), defense councilors (*Defensionsräthe*) or commissioners (*Kommissäre*). During emergencies he might form them into an ad hoc state council to administer his war effort for the duration.

Courtiers who agreed to raise troops as military contractors carried the further title of stipendiary commander (*bestellter Obrister von Haus aus*), the principal instrument for

their own lordship within the army.⁵⁷ They drew upon their households, clienteles and other friends and followers to assemble a pool of men who could serve as mounted retainers (*reisige Knechte*) and, when needed, recruit their own fighters as well. Once at court the commander's service contract (*Bestallung*) entitled him to salaries, expense allowances, and open table, not only for himself, but also for his men, their valets and households. In addition the duke often gifted contractors with bonuses, pensions and endowments to show them favor and boost their prestige. Rulers and corporate bodies entitled to engage contractors, in this case the duke, assumed the legal designation "lord of war" or "warlord" (*Kriegsherr*).

Once the duke decided to raise troops he tapped the contractor to assemble several infantry banners (*Fähnlein*) and/or cavalry squadrons (*Kornett*), that is, companies, under his command. Before further recruitment the contractor formed his present retainers into his own company, the first or body company (*Leibkompanie*). He then picked several among them to lead their own companies as captains, either of infantry (as *Hauptmann*) or cavalry (as *Rittmeister*), and thereby expanded his personal retinue into a larger warband.

⁵⁷ Representative contracts issued by Maximilian include those to Friedrich von Gaisberg, KuBay ÄA 2224 fol. 11-15, May 3, 1596, and KuBay ÄA 2224 fol. 91-94, June 8, 1601; to Engelbert von Bönninghausen, KuBay ÄA 2224 fol. 159-169, June 25, 1606; to Egon von Fürstenberg, KuBay ÄA 2258 fol. 6-10, July 19, 1619; to Adam von Herberstorff, KuBay ÄA 2224 fol. 414-421, September 22, 1619; to Hannibal von Herliberg, KuBay ÄA 2265 fol. 5-6, April 26, 1619; to Johann Philipp Kratz von Scharfenstein, KuBay ÄA 2224 fol. 512-515; to Gottfried Heinrich von Pappenheim, KuBay ÄA 2224 fol. 347-362, May 31, 1619; to Alexander Haslang, KuBay ÄA 2224 fol. 202-213, April 1, 1620, and KuBay ÄA 2257 fol. 290-291, May 12, 1620; to Levin von Mortaigne, KuBay ÄA 2224 fol. 465-468, February 18, 1620; to Valentin Schmidt, KuBay ÄA 2291 fol. 662-663, July 21, 1621; and to Johann von Viermund zu Neersen, KuBay ÄA 2224 fol. 616-617, October 1, 1621.

In the past the captains, when engaged separately by their warlord, had elected one from among their number to lead them in the field as “foremost” or “principal” captain (*obrister Hauptmann*), subsequently shortened to commander (*Obrist* or *Öberist*), translated as “colonel,” the title now assumed by the contractor. Institutional colonelcy, as it emerged over the sixteenth century, harnessed the lords of companies more closely to the feudal hierarchy through their colonel on up to Maximilian and, through him, the emperor.

In addition to his original contract the colonel now received from the duke a regalian charter (*Kapitulation*) that conferred the rights, prerogatives and duties entailed in his governance (*Regiment*) over the companies under his command. Charters adhered, in principle, to the regulations set out by imperial legislation at Augsburg in 1555 and Speyer in 1570. They specified troop numbers, equipment, organization, standards for service and pay, the colonel’s judicial authority, and the articles of war expected to govern discipline in the regiment. In practice regiments included any number or mixture of companies, although charters typically specified full regiments with ten companies and demi-regiments with five companies, either all-cavalry or all-infantry. By conferring regalian prerogatives through the warlord, charters transformed the colonel into an agent of the imperial state, albeit layered, again, through successive intermediary lords.

Once the colonel received his charter he assigned each captain an office in his staff or “state” (*Obristenstaat* or *Hofstaat*) to assume specific responsibilities in the regiment. Senior among them stood the colonel-lieutenant (*Oberstleutnant*), who served as the colonel’s administrator in the latter’s absence, followed by the colonel-major

(*Oberstwachtmeister*), quartermaster, provost, auditor (*Schultheiss*), wagon-master, provisions-master and sometimes, from outside, the chaplain. In addition certain men who already held the captain's title, but no company of their own, might join as "entertained" officers (*Intretenierte*, from the Spanish *entrettenidos*). They stood eligible for staff posts, should the regiment contain too few captains to fill all nine, and sought to distinguish themselves by performing tasks for the colonel.

In this way the contractor drew his regiment's entire officer cadre, that is, his captains, from his own lordly retinue. His appointees and their households, together with entertained officers, formed his regiment's headquarters. Fighters who aspired to careers at arms hoped, one day, to be selected as captains, either by their lord colonel directly, or by their own captains as replacements. Captaincy meant membership in the colonel's following, standing as stake-holders in the regiment, and eligibility for advancement to higher posts. Every colonel, general and senior commander in the army remained, first and foremost, captain in his original company, even when administered in his absence by a designated captain-lieutenant (*Hauptmann-Leutnant*).

My dissertation refers to the colonels and captains collectively as "officers," and includes in that category each captain's lieutenant (*Leutnant*) and ensign (*Fähnrich*, or *Kornett* in the cavalry). Picked from among the captain's circle, often companions from the contractor's original pool, lieutenants and ensigns stood alongside him on the muster's "first sheet" (*Prima Plana*) and became candidates for future captaincy. Many commanders began their careers on the first sheet and were said to have served "from the pike on up" (*von der Pike auf*). In letters common terms used to describe officers include

warrior (*Kriegsmann*), cavalier (*Kavalier* or *caballero*), head (*Haupt* or *capo*), troop-leader (*Truppenführer*), commander (*Bevelchshaber*), war-officer (*Kriegsoffizier*) and, very rarely, soldier (*Soldat*).

In addition to their expertise and networks contractors provided the material resources warlords required to wage campaigns.⁵⁸ By their contract terms the colonels agreed to cover their own men's recruitment, expenses, supplies and equipment in the short-term until the duke could reimburse them. Contractors raised loans against their incomes and estates, both from noble lending networks and from reluctant bankers, and pawned valuables to come up with cash. Captains, too, and sometimes lieutenants and ensigns who hoped for advancement, became financially involved in their company's upkeep. In recompense (*recompens*) for their service and financing contractors received reimbursements, further gifts and endowments, honors and state offices, particularly as local constables (*Pfleger*), and sometimes, from the emperor, lands and titles confiscated from defeated outlaws.

Officers invoked the qualities, practices and military potentials associated with lordship when they asked for recompense or advancement in their letters. Each commander typically drew attention his martial prowess and experience, his faithfulness, his good name, his lordship and clientele network, the prestige of his bloodline, and his material wealth, not only in estates and holdings, but also in his body, his physical health and fitness. Most importantly officers considered their valor a finite and expendable

⁵⁸ Fritz Redlich, *German Military Enterpriser*.

resource. During service they could lose military potential through wounds, injuries to reputation and honor, and financial ruin, either through heavy borrowing or destruction to their lands by enemy parties. In letters they described their merit for recompense in variations on the phrase “I risk my body, blood, estate, reputation and honor” (*mit darseztung Leib, Bluet, Guet, Reputation, und Ehr*) in service.

In contracts and letters Maximilian used further language that invoked officers’ self-image as lords of war in his service. Military contractors had originated, in the empire, as hired knights and men-at-arms (*Soldritter*), often gathered in adventuring bands (*Soldgesellschaften*), who helped lords and cities wage feuds during the fourteenth and fifteenth centuries.⁵⁹ Their leaders often entered a lord’s household by contract as “knight and servant” (*Ritter und Knecht*) and became stipendiary retainers (*Diener von Haus aus*) charged to make their followers available to fight. By the early-seventeenth century their lordly identity still shaped the imagery used in their documentation. Maximilian often reminded officers to render him the service a “faithful retainer owes his lord” (*so ain getreue Diener sinem Herrn schuldig ist*). He referred to each favored officer as his “reputable” or “honest” man and “faithful retainer and cavalier” (*redlicher Mann und getreuer Diener und Reiter*) and often, in addition, as his companion (*Mitritter*).

Officers, in turn, discussed the fighters under their command as members in their personal retinues, regardless of their origins. In letters they most commonly used the

⁵⁹ Winfried Schulze, *Die Gleve, Der Ritter und sein Gefolge im späteren Mittelalter* (Munich, 1940).

term “servants” (*Knechte*) to describe foot troops and “riders” (*Reiter*) to describe cavalry. Further terms included “warriors” (*Kriegsvolck* or *Kriegsleuthe*) and, by the 1630s, “warband” (*Soldateska*), but never “soldier” (*Soldat*). Here, I use the words “troops” and “soldiers” to describe fighters collectively. Many soldiers, too, brought along their own servants, that is, their families or consorts, to help them on campaign in much the same way valets or squires helped their officers. Camp followers, as historians call them, provided for soldiers’ daily care and helped haul the gear and loot. Support services like artillery, pioneers, craftsmen, merchants, and sutlers followed in the formal baggage train (*Troß*).

Most contracts called upon colonels to organize their foot soldiers in the “high-German” manner, that is, as tactical heavy infantry (*hochdeutsches Kriegsvolck*). Since the fourteenth century most men-at-arms had grown accustomed to fighting dismounted in mixed teams with marksmen. By the fifteenth century contractors had begun to include footmen from the towns in their own warbands. In the 1480s, when future emperor Maximilian I first formed his infantry as *Landsknechte*, he encouraged them to consider themselves members in his own following, and presented himself to them pike in hand.⁶⁰ By the early-seventeenth century the heavy infantry seldom called themselves *Landsknechte*, simply *Knechte*, but their customs and traditions still reflected a strong sense of corporate identity and bond to their leaders and, by extension, the emperor.

⁶⁰ See Reinhard Baumann, *Landsknechte: Ihre Geschichte und Kultur vom Späten Mittelalter bis zum Dreissigjährigen Krieg* (Munich: Beck, 1994); H.M. Möller, *Das Regiment der Landsknechte: Untersuchungen zu Verfassung, Recht und Selbstverständnis in deutschen Söldnerheeren des 16. Jahrhunderts* (Wiesbaden, 1976)

Officers, for their part, seemed to regard their companies and regiments not as fixed formations, primarily, but as personal followings. Once chosen, captains received from their colonel the duke's patent (*Werbepatent*) to assemble volunteers by open recruitment in his name (*freie Werbung*). In principle they should recruit only in specified regions where the duke had negotiated permission from friendly rulers. In practice, however, they often traveled back to their homelands to gather men from their captain's or their own local clients and dependents. Once the recruit had taken the captain's coin or "conduct money" (*Liefergeld, Laufgeld*) he would be accorded a seat at "open table" (*freie Tafel*) and live at the captain's "maintenance" (*unterhaltung*), or "open-table maintenance," as I call it, until mustered.⁶¹

During the muster process itself captains led induction rituals that suggested their recruits had, in following them, joined a privileged band of warriors. Once present at the muster area (*Musterplatz*) recruits displayed their martial skills, per the captain's preference, and thereby gained their place in the ranks. On the appointed muster date the captains presented their men before the colonel and, upon his inspection, had them swear to abide by the articles of war specified in the colonel's charter. Their oath instantiated the regiment as a legally constituted corporate body, bound them to observe its statutes, and joined them in loyalty to their captain, colonel, warlord and, in principle, the emperor. On campaign the troops should in theory receive their pay from the duke, but in

⁶¹ On the evolution of these institutions see contracts and articles of war reprinted in Eugen von Frauenholz, *Das Heerwesen in der Zeit des freien Söldnertums, Vol 1: Das Heerwesen der Schweizer Eidgenossenschaft* (Munich: C.H. Beck, 1937), and his *Das Heerwesen in der Zeit des Freien Söldnertums Vol 2: Das Heerwesen des Reiches in der Landsknechtszeit* (Munich: C.H. Beck, 1937).

practice they continued to live at the captain's open-table maintenance until the duke found cash to reimburse him. In short recruits signed on, first and foremost, to serve their captain and, through him, great lords, not to enter a company, regiment or unit.⁶²

Once they swore into the regiment soldiers and officers entered a contractual relationship wherein each party assumed certain privileges and obligations. In statutory terms the articles of war seemed to replicate seigneurial lordship. They empowered the colonel with sole jurisdiction over his men (as *Gerichtsherr*) and charged him with responsibility for their care and short-term upkeep. In addition to the articles, however, the colonel's charter obliged officers to observe unwritten customs and practices of war (*Kriegsgerechtigkeit, Kriegsgebrauch*), established through consensus and tradition, that framed the regiment's corporate constitution and limited their authority. Most important among their institutions stood the commune (*Gemein*, or *Ring*) where soldiers gathered to voice their concerns and claim their ancient customs and traditions (*alter Brauch, altes Recht*).

More than any other practice soldiers guarded their right to legal spoils (*Beuterecht*), rooted in the traditional right of feud (*Fehderecht*) and sanctioned by the empire's 1555 and 1570 regulations.⁶³ By law any forces that marched to restore the public peace under constitutional authority could exercise sovereign prerogatives to

⁶² See contracts and articles of war reprinted in Eugen von Frauenholz, *Das Heerwesen in der Zeit des Dreissigjährigen Krieges Vol 1: Das Söldnertum* (Munich: C.H. Beck, 1938), and his *Das Heerwesen in der Zeit des Dreissigjährigen Krieges Vol 2: Die Landesdefension* (Munich: C.H. Beck, 1939).

⁶³ Fritz Redlich, *De Praeda Militari. Looting and Booty, 1500-1815* (Wiesbaden: F. Steiner, 1956).

punish peace-breakers for their wrongdoing. In the outlaw lords' lands they could loot and burn villages, sack towns, take booty from defeated fighters, capture leaders for ransom, and levy protection money (*Brandschatzung*), all to assert the emperor's and empire's sole jurisdiction to resolve disputes in the courts. Legitimate armies included imperial circle commanders who mobilized troops on their district estates' behalf and those who, like Maximilian, held the emperor's direct commission. Similar practices in neutral lands, or done by rebel armies, were considered illegitimate robbery, extortion and plunder.

Maximilian's imperial commission and his regalian charters, therefore, conferred upon his contractors military jurisdiction and, with it, the right to project the monarchy's legal powers through traditional lordly prerogatives to open-table maintenance and the right to spoils through feud on the state's behalf. Soldiers held their captains responsible for leading them to spoils and ranked loot and booty, alongside upkeep and maintenance, among their officers' chief obligations. In letters officers described how well they had succeeded, or failed, to meet their men's expectations by reference to their "credit" (*credit*) among the troops. On campaign most opportunities for spoils came during patrols, forage and scouting expeditions, ambushes on enemy parties, raids on villages that collaborated with the enemy, and other partisan activities.

Cavalry enjoyed the best and most frequent opportunities for spoils, but commanders often sent single infantry companies, too, to garrison and hold large areas or regions on their own through partisan tactics. In order to fight autonomously each company contained three-hundred men armed with hand weapons, roughly half to

specialize as marksmen with muskets or carbines, the other half to carry armor and pikes to deal with cavalry. Captains might further spread the company out into small squads (*Rotten*) led by a veteran corporal (*Korporal*) or senior corporal (*Gefreiter-Korporal*) to hold bridges, passes and the like. Correspondents reserved the term “irregular” (*irreguliert*, or unregulated) for light troops who specialized in border raids, like Croats and Hussars, probably because they observed no rule, that is, no articles of war or tactical drill discipline.

Maximilian’s commission did not always allow for commanders to practice partisan warfare as they liked, however, because soldiers never limited their depredations to the emperor’s ostensible enemies. Field armies often left detachments behind to secure important areas in neutral lands, and their tendency to claim lavish privileges from their hosts occasioned frequent grievances. Local authorities similarly complained about the disruptions caused by large camp communities among their people. Partisan methods became a political liability for Maximilian when his troops exceeded his legitimate constitutional authority.

Before and during the war rulers often considered contractors, their troops and their methods a threat to good policy and public order. Local authorities tended to associate soldiers with organized crime and mistrusted them when present.⁶⁴ During the time between campaigns (the *Gartezeit*) soldiers disbanded from their companies to wait out the winter until their captain recalled them for service in the spring. Once the wars

⁶⁴ On their social history see Peter Burschel, *Söldner im Nordwestdeutschland des 16. und 17. Jahrhunderts: Sozialgeschichtliche Studien* (Göttingen: Vandenhoeck & Ruprecht, 1994).

had concluded, however, they seem to have seldom re-integrated into their old lives. Some tried to find work as watchmen or guards, but many instead formed small or large bands (*Vergaderungen*) that mirrored the camp communities they had left behind. Bands made their way as outlaws and bandits, often sheltered by local hosts who fenced their loot, and sometimes hired in secret by princes to sow disorder in their rivals' lands as saboteurs and troublemakers (*Mordbrenner*). Rulers reacted to "lordless soldiers" (*herrlose Knechte, gartende Knechte*) with suspicion and tried to crack down on them with harsh penalties as they did other itinerants and wanderers in those decades.⁶⁵

Scholars have often taken at face value the many aggrieved observers and satirical authors who portrayed the soldiers of the Thirty Years' War as brutish, poorly treated criminals and abusers. Standard histories present them as social outcasts and the desperate poor who sought refuge in the mercenary life. Contractors treated them as proletarian workforces, easily hired, dismissed and discarded at whim, with little connection to one another or their leaders. Profiteering officers skimmed for themselves what little pay the warlord sent and left their defrauded soldiers to desperately squeeze their basic needs from the populace through unchecked theft and violence.

I argue, to the contrary, that Maximilian's commanders related to their troops as lords to retainers and exercised the imperial state's juridical powers through their lordly prerogatives to open-table maintenance and legitimate spoils. Maximilian forced his

⁶⁵ See R. Po-Chia Hsia, *Social Discipline in the Reformation: Central Europe, 1550-1750* (London: Routledge, 1992); and Richard van Dülmen, *Theatre of Horror: Crime and Punishment in Early Modern Germany*, trans. Elisabeth Neu (Cambridge: Polity Press, 1990).

contractors into negotiations during the war's early years when he tried to restrict their traditional prerogatives so as to protect his authority and legitimacy. My dissertation traces the process whereby contractors sought to recover and expand their lordship in the army and, in exchange, financed the duke's military effort, thereby sustaining his own exercise of lordship within the imperial state.

Chapters & Summary: Maximilian, Officers and Negotiations, 1619-1626

My dissertation follows the negotiations Maximilian and his contractors undertook between 1619, when the duke first mobilized the Catholic League's army, and 1626, when the army first began to take imperial contributions, that is, formal war taxes levied on particular regions to support the troops. It periodizes them into four subsequent stages over five chapters, namely 1619-1620, 1621, 1622, and 1623-1626, each corresponding to a major shift in the army's institutional structure that resulted from the successive compromises they reached.

Chapter 1 examines how officers resisted the duke's early attempts to implement reforms during the 1619 and 1620 campaigns in Upper Austria and Bohemia.

Maximilian tried, first, to usurp traditional open-table maintenance through his own administration and, second, insisted that officers enforce "good regiment" in their commands, that is, restraint toward local populations. He outlined specific procedures that called upon officers to identify individual culprits, force them to make restitution to their victims, then render exemplary punishment to discourage further infractions. In this

way he sought to reinforce his own lordship within the army and prevent political criticisms that might impeach his conduct as imperial commissioner.

In response officers invoked military necessity to defend their customary lordly prerogatives. Commanders relied on open-table maintenance to support their men, they insisted, and without it would suffer loss to their reputations and credit. Some allowed their soldiers to take spoils at will, even in friendly lands, in order to convince the duke that their men would remain unsatisfied until he restored their maintenance privileges. In the field they largely ignored the duke's disciplinary mandates and continued to rely on partisan methods to drive out enemy troops, suppress local resistance and establish control in the face of opposition from collaborators. Officers shielded their men from legal consequences and defended their own exclusive jurisdiction over soldiers under their command.

Maximilian further expanded his administration during the 1621 campaign in the Upper Palatinate in an effort to redouble the same policies he had implemented the previous year. He soon found, however, that he could no longer afford to provide officers with regular reimbursement. Rather than abrogate open-table maintenance, as he had tried the previous year, he did the opposite, and began to encourage longer-term investment from his contractors to support the army.

Chapter 2 shows how officers leveraged Maximilian's weaker position in 1621 to more firmly establish their prerogative to maintenance and spoils and thereby strengthened lordship in their commands. Commanders soon redoubled the hunt for loot and booty, not only to satisfy their soldiers and recoup costs, but also to pressure the duke

into making good on reimbursement. Officers ignored the duke's disciplinary mandates, as before, and resisted any attempt by outside authorities to interfere in their companies and regiments.

By year's end Maximilian's officers had forced the duke to meet them halfway and offer concessions that would make both long-term investment and good regiment more palatable to them. Maximilian would agree, first, to refrain from reforming, disbanding, or otherwise dismantling their regimental and company commands, so as to preserve their investment and the followings they had built during their service. Officers, in turn, would forego reimbursement for the foreseeable future and, at the duke's insistence, exercise more restraint toward local populations. In reward for their ongoing commitment Maximilian would either enlarge their commands, or award them multiple regiments, so they could grow their followings and expand their prestige and influence in the army. In principle the new arrangement might have provided acceptable institutional means for both Maximilian and contractors to express lordship to their satisfaction.

In 1622, however, few officers seemed willing to settle with this compromise, and instead pressed Maximilian for further concessions. Commanders orchestrated near-mutinies in each of the League's main field armies, continued to flout the duke's policies, and used illicit plunder and extortion, as before, to advance their reputations and recoup their expenses. Chapter 3 follows how Maximilian's contractors forced him, in exchange for their investment, to concede still further command prerogatives that strengthened their lordship in the army.

Maximilian tried, throughout his 1622 campaigns in the Lower Palatinate, Hessen and Westphalia, to establish investment as his new standard for quality, loyalty and good service from his officers. He promised investors gifts and future rewards from the emperor; he favored for new appointments those officers willing to cover their own upkeep costs; and, he forced serving officers to invest their wealth outright, that is, beyond the sums they might otherwise expect in reimbursement, during their efforts to compete for fresh recruits and refit their commands. In order to appease them, however, Maximilian had to grant them enlarged commands as well as give up, for the most part, on enforcing the disciplinary policies he had introduced in years past. He continued to admonish officers for their soldiers' conduct, but he no longer made serious efforts to enforce their compliance.

By the end of 1622 Maximilian and his contractors had, together, modified the army's institutions so as to allow both parties to continue exercising lordship through its operations. In agreeing to invest, Maximilian's officers enabled him to keep the army in being and, thereby, maintain his power within the imperial state as commissioner. Maximilian in turn had, for the most part, conceded his officers each of the two lordly prerogatives they originally sought to defend, namely open-table maintenance and the hunt for spoils. His investment policy, in addition, further strengthened contractors' lordship in the army because it conferred clearer advantages upon those who commanded wealth, large clienteles, and strong local influence. In abandoning his efforts to enforce good regiment, however, Maximilian opened himself to repeated criticism from neutral

parties whose lands his armies ravaged, precisely the situation he had hoped to avoid since 1619.

Chapter 4 traces how Maximilian tried, in response, to avoid legal culpability for the damages his troops inflicted. By the end of 1622 the duke and his commissioners had developed several standard, evasive replies to the countless grievances and petitions lodged by local authorities that deferred their complaints and dodged their claims to restitution. Most often Maximilian claimed the culprits had not yet been found or that no wrongdoing had occurred in the first place. Soon he began to ignore complaints altogether and thereby, in effect, turned a blind eye to illicit pillage.

Chapter 4 illustrates, in addition, how officers used the hunt for loot and booty to demonstrate lordship in their commands, on the one hand, and as an operational method to secure local control and suppress resistance, on the other. Captains often found villagers and townspeople more formidable in their opposition than historians usually allow. Magistrates and officials organized their people for local defense, claimed jurisdiction over soldiers who committed crimes in their districts, and tried to capture and execute the culprits despite protests from officers.

Captains brooked no interference in their companies from outsiders, however, and took up the sword on their men's behalf to shield them from retaliation and imprisonment. Their disputes with magistrates often followed patterns of escalation that resembled minor feuds. Insults, threats, tit-for-tat retaliation and skirmishes afforded captains comparatively low-risk occasions to advance their reputations and build credit with the men under their lordship. Officers, by claiming exclusive jurisdiction in matters

that involved the soldiers under their command, translated the judicial dimensions of lordship into the imperial state, as expressed through Maximilian's army under the emperor's commission.

In the years before 1623, then, Maximilian and his contractors had reached what might seem a reasonably conventional *détente*. Officers would support Maximilian's army through long-term investment in exchange for the freedom to exercise traditional lordly prerogatives in their commands. In effect, though, Maximilian's contractors had won the ability to graft their lordship into an institution, Maximilian's and the League's army, that might one day, through future constitutional reforms, provide a pillar for the monarchy's ongoing military power. Contractors had made themselves indispensable to Maximilian's and the emperor's efforts to reach a new settlement with the imperial estates and shape the empire's future political framework.

Between 1623 and 1626, however, as the war dragged on and Maximilian became more deeply indebted to their investment, contractors pressed for more radical institutional prerogatives in the army. Officers claimed their expenses had become too ruinous to sustain much longer, expressed concern that their commands had begun to fall apart, and resorted to lavish pillage to keep their men together. Chapter 5 discusses how Maximilian granted his contractors nearly unchecked control over the army's operations in the field and officers, in exchange, assumed from him nearly full responsibility for the army's upkeep.

During 1623 and 1624 Maximilian confirmed the privileges he had already granted, either implicitly or explicitly, and ceded officers quasi-proprietary rights over

their commands. First, Maximilian guaranteed his officers their commands would remain standing for the war's duration to protect their investment. Second, he would hold no further musters, inspections, or recruitment drives, but simply entrust each unit's welfare and maintenance to the captains and colonels. Third, he would accept no resignations until the commander in question had found a successor to assume financial responsibility for his company or regiment. Fourth, and perhaps most importantly, he gave officers explicit permission to take illegal spoils in lieu of reimbursement from his treasury. He would allow them to plunder at will, often under the guise of contributions, without restriction or oversight from his administration.

Contractors continued to negotiate and press Maximilian for concessions until they began to collect imperial contribution revenues between 1625 and 1627. Late in 1624, when League troops brought Hessen under occupation, Maximilian and his commanders decided to levy emergency contributions in kind throughout region to help support them. Later, in 1625 and 1626, Albrecht von Wallenstein introduced and implemented imperial contribution taxes in order to finance the new army he raised on the emperor's behalf.

Maximilian's service as imperial commissioner placed League contractors in a position to claim that they, too, served the emperor under constitutional authority and were entitled to contributions just like imperial troops. In late 1626 and 1627 they began to collect contributions alongside other forces who fought on the emperor's behalf, albeit illegally, until 1630. In that year the electoral congress formalized contributions as a regular tax levied on the estates to finance both the Imperial and Catholic League armies

for the war's duration. Maximilian's commanders, now considered auxiliaries to the imperials, held legal authority to exact revenues from lands who refused to pay their quotas.

In the years after 1626 imperial contributions resolved the original tensions between Maximilian and his contractors and obviated any further need for intensive negotiations between them. Contributions helped officers negotiate the burdens of investment, on the one hand, by providing new sources for finance and support. On the other hand they offered contractors a legal pretext to take spoils and plunder, one that allowed them to practice lordship through partisan warfare without undercutting Maximilian's political legitimacy. Soon thereafter the 1630 laws fully incorporated the Catholic League army within the imperial state and thereby solidified Maximilian's constitutional authority and political standing.

Maximilian and his officers had, between 1619 and 1626, renegotiated the army's institutional structures so as to better incorporate their own practices of lordship within the imperial state. By 1626, and even more so by 1630, Maximilian stood secure in his role as a military power-broker, and his contractors stood secure in their role as the monarchy's warriors, that is, as those who provided the men, material and expertise to pursue war for emperor and empire.

CHAPTER 1: MAINTENANCE AND SPOILS, 1619-1620

In early winter, 1618, as the year drew to its close, the Upper Austrian estates joined the Bohemians in open rebellion against their Habsburg overlords. During the previous year the Bohemians had nearly driven the Habsburg armies from their kingdom and, in the process, curried wide support among the dynasty's many enemies in the Austrias, Hungary and the Carpathian basin. In Upper Austria the estates mobilized their militia and hired troops, and began to block Habsburg reinforcements from reaching their beleaguered counterparts in the Bohemian borderlands.¹ They refused, upon the death of emperor Matthias in March, to recognize his brother Ferdinand of Styria as archduke, and thereby reopened the Habsburgs' decades-long struggle to re-establish secure rule in their Austrian hereditary lands.²

Later that winter in February, 1619, Maximilian called up his stipendiary commanders, drew up fresh charters for regiments of infantry and cavalry, and ordered them to assemble their men along the Danube by year's end. He saw in Ferdinand's hour of need an opportunity to make himself and the League indispensable to the Habsburgs' war effort. During the previous decade Maximilian had wrangled for influence in

¹ On the Upper Austrian estates and the Bohemian rebellion see C.V. Wedgwood, *The Thirty Years War*, (London: Jonathan Cape, 1938), 103-140; Peter H. Wilson, *Europe's Tragedy: A History of the Thirty Years War*, (London: Penguin, 2009), 269-313; Ronald G. Asch *The Thirty Years War: The Holy Roman Empire and Europe, 1618-48* (New York: St. Martin's, 1997), 47-72; and Günter Barudio, *Der Teutsche Krieg, 1618-1648* (Frankfurt: S.Fischer, 1985), 47-72.

² On the Habsburgs' struggle for dynastic security in the hereditary lands see Volker Press, *Kriege und Krisen. Deutschland 1600-1715* (Munich: C.H. Beck, 1984), 161-194; Charles W. Ingrao, *The Habsburg Monarchy, 1618-1815* (Cambridge: Cambridge University Press, 2000), 23-34; and Jean Béranger, *A History of the Habsburg Empire, 1273-1700*, vol.1 (London: Longman, 1994), 261-268.

imperial politics until emperor Matthias finally forced him to dissolve the League in 1617. He now summoned former members to Munich to negotiate the League's renewal, signed four months later, in May.³

By summer's end Ferdinand's situation had grown more desperate still. In Bohemia the rebels elected Frederick V of the Palatinate (r 1610-1623) for their new king. Bohemian forces laid siege to Vienna, the Lower Austrian estates threatened to join their ranks, and Gabriel Bethlen, prince of Transylvania, invaded Austria with help from his Hungarian supporters, who elected him Protector of Hungary in an effort to oust the Habsburgs and their clients. In the west, meanwhile, the Protestant Union began to mobilize its own forces, poised to maintain armed neutrality, or perhaps intervene, as the situation unfolded.⁴

By fall Ferdinand saw little choice but to call upon Maximilian for council and military aid. In October, 1619, by the Treaty of Munich, he commissioned Maximilian to help him deal with the Protestant Union, the Upper Austrians and the Bohemians while he focused on the Lower Austrians and Hungarians.⁵ In recompense for the duke's costs

³ On Maximilian's politics and the League's foundation see Franziska Neuer-Landfried, *Die Katholische Liga. Gründung, Neugründung und Organisation eines Sonderbundes, 1608-1620* (Kallmünz, 1968), 12-86, as well as Dieter Albrecht, *Maximilian I. von Bayern 1573-1651* (Munich: R. Oldenbourg, 1998), 419-538.

⁴ See Wedgwood, *Thirty Years War*, 103-140; Wilson, *Europe's Tragedy*, 269-313; Asch *Thirty Years War*, 47-72; and Barudio, *Teutsche Krieg*, 47-72.

⁵ On the Treaty of Munich see Michael Kaiser, *Politik und Kriegführung. Maximilian von Bayern, Tilly und die Katholische Liga im Dreißigjährigen Krieg* (Münster: Aschendorff, 1999), 237-239.

Ferdinand would grant him full administrative rights in Upper Austria until he had collected enough revenues to discharge the emperor's debt.

Maximilian assembled his troops in northern Bavaria throughout 1619 and into spring, 1620, then took the field in June, when Ferdinand placed Frederick V under the imperial ban. Maximilian would travel with the army in person throughout his first campaigns that year, first against the Protestant Union in Swabia, then against the rebels in Upper Austria and Bohemia.

In taking personal command Maximilian sought not only to demonstrate his lordship in the army, and thereby advance his reputation, but also to establish careful control over how his officers carried out his imperial commission.⁶ During their hunt for loot and booty most companies tended to overlook the strict legal distinction between law-abiding lords, on the one hand, and outlaws on the other. Should they overstep legal bounds and exceed Maximilian's constitutional authority they would not only invite criticism, but also give the duke's opponents grounds to impeach his legitimacy.⁷

Maximilian took steps throughout 1619 and 1620 to restrict his officers' leeway to provide for their own men through spoils. He tried, first, to usurp their prerogative to open-table maintenance for himself, and thereby strengthen his own lordship in the army and, with it, his control over its operations. Second, he insisted that officers enforce

⁶ Insights on Maximilian's decision to lead the army in person, his self-image as a warrior and his efforts to present this image to contemporaries and posterity can be found in Albrecht, *Maximilian I*, 523-525.

⁷ On Maximilian's concerns for discipline and legal precision see Kaiser, *Politik und Kriegführung*, 71-78, 103-104, 236-249.

“good regiment,” that is, restraint toward local populations, and he developed disciplinary procedures for them to follow that might, when implemented, assuage local authorities and allay further grievances against his troops.

In the process of reinforcing his own lordship, however, Maximilian inadvertently abrogated the privileges and methods commanders relied upon to exercise theirs.

Colonels and captains resisted the duke’s new policies, called for their recension, and claimed the policies frustrated not only their ability to wage campaigns, but also the very basis for traditional command authority in the ranks. Commanders relied on open-table maintenance to support their men, they insisted, and without it would suffer loss to their reputations and credit. Some allowed their soldiers to take spoils at will, even in friendly lands, in order to convince the duke their men would remain unsatisfied until he restored their maintenance privileges.

In the field officers largely ignored the duke’s disciplinary mandates and relied on partisan methods, as before, to drive out enemy troops, suppress local resistance and establish control in the face of opposition from collaborators. Commanders shielded their men from local authorities, sheltered them from legal consequences, and defended their own exclusive jurisdiction over soldiers under their command. In so doing they guarded their right to exercise lordship as they saw fit within their commands, and they claimed the charter-granted privilege to share state power with Maximilian.

Maximilian's Lordship: War Council and Commissioners

In 1619 Maximilian undertook the first in a series of reforms whereby he intended to fund and supply the army through his own administration rather than rely on open-table maintenance from his contractors.⁸ Maximilian's support would, in effect, constitute an assertion of lordship over the army, would oblige both officers and troops to respect his disciplinary wishes, and would deny his officers credible pretexts for trying to provide for their own men through the customary hunt for spoils. He hoped, as a result, to use the League army to achieve precise, controlled objectives without recourse to undue plunder or pillage that might threaten his position as imperial commissioner.

During the League's mobilization in 1619 and early 1620 Maximilian informed his officers that soldiers should, henceforth, receive coin at muster straight from his commissioners rather than from their captains. Perhaps the richest single prince in the German lands, Maximilian might have felt confident he could cover the costs with as little help as possible from his contractors.⁹ He called the new policy "lord payment" (*Herrnbezahlung*), sometimes "payment from us" (*von uns Bezahlung*) or, most frequently, "bench payment" (*Bankbezahlung*), probably in reference to the muster bench where the captain, colonel and commissioner stood to enroll each company's new candidates.

⁸ On Maximilian's early relationship with his contractors see Kaiser, *Politik und Kriegführung*, 63-71.

⁹ On claims regarding Maximilian's relative wealth see Wilson, *Europe's Tragedy*, 172.

In its scale the League's mobilization far exceeded any military effort Maximilian had undertaken previously.¹⁰ His commissioners faced new challenges trying to administer his interests and prerogatives across so many companies and regiments. He appointed them from among his commanders at court on a case-by-case basis, as before, but now began to use more specific titles to indicate their particular assignments. They included *Kriegs-*, *Regiments-*, *Begleitungs-*, *Quartier-*, and *Musterungskommissäre* who oversaw matters that involved, respectively, miscellaneous tasks related to the war, specific regiments, march conduct, billets and musters.¹¹ In 1619 the duke appointed Theodor Viechpeckh von Haimhausen as General Commissioner (*Generalkommissar*) to coordinate their collected efforts.

Maximilian's finance ministers, too, found themselves overwhelmed trying to manage funds for the entire army alongside the state's other accounts. They suggested that the duke set up a new, separate council within the *Hofkammer* that could handle war finance and remove the burden from their own *Hofkammerrat*. In February, 1620, Maximilian heeded their advice and established the War Council (*Kriegsrat*) to govern those fiscal affairs that touched upon the army. On its board sat the president of the *Hofkammerrat*, as Director, alongside other finance ministers delegated from the council.

¹⁰ His largest previous expeditions had been undertaken during the Donauwörth Incident in 1607 and against Salzburg in 1611, see Johann Heilmann, *Kriegsgeschichte von Bayern, Franken, Pfalz, und Schwaben von 1506-1651*, vol.1 (Munich: J.G. Gotta, 1868), 3-12; and Albrecht, *Maximilian I*, 391-450.

¹¹ Discussions concerning the commissioners can be found in Cordula Kapser, *Die bayerische Kriegsorganisation in der zweiten Hälfte des Dreißigjährigen Krieges, 1635-1648/49* (Münster: Aschendorff, 1997), 101-108; and Kaiser, *Politik und Kriegführung*, 15-61.

In several mandates issued from February through May, 1620, Maximilian outlined the War Council's scope and authority.¹² First, the war pay office (*Kriegszahlamt*) would fall under its exclusive control. Paymasters (*Zahlmeister*) from the League war chest (*Bundeskasse*), the Bavarian Circle war chest (*Kreiskasse*), and the duke's state war chest (*Landesdefensionskasse*) had to get all cash disbursements assigned and approved by the war councilors. Relevant expenses included, for example, pay, enlistment bounties, conduct money, equipment, munitions, provisions, transport, artillery, fortifications, and field hospitals. Second, the War Council would review each regiment's books, submitted in copy by the commissioners, to verify their accuracy. Third, the War Council would assume the *Hofrat*'s role as high military court (*oberste Militärgerichtshof*) in legal matters that touched upon officers in the army.

Councilors on the *Kriegsrat* performed, in principle, no executive role. Like their counterparts on the *Hofkammerrat*, they served as comptrollers, in this case for the duke's war chests. Maximilian's commissioners, once his paymasters had turned over the authorized monies, took sole responsibility for implementing his decisions in the field. They needed the War Council's approval only in matters that entailed new expense allocations, such as personnel, recruitment, reformation, and muster. Maximilian had until now relied on his old Defense Council (*Defensionsrat*), the circle of military

¹² On Maximilian's reforms see Friedrich Münch, *Geschichte der Entwicklung der Bayerischen Armee seit zwei Jahrhunderten* (Munich, 1864), 3; Reinhard Heydenreuter, *Der landesherrliche Hofrat unter Herzog und Kurfürst Maximilian I. von Bayern (1598-1651)* (Munich: Beck, 1981), 178; August Damboer, *Die Krise des Söldner-Kapitalismus in Bayern unter Kurfürst Maximilian I. insbesondere in der Zeit des dreißigjährigen Krieges. Eine soziologischesche Studie* (Munich, 1921), and Albrecht, *Maximilian I.*, 611-640.

advisors who often served as commissioners, to oversee them.¹³ But once he created the War Council he decided to dissolve the Defense Council and left supervision in general commissioner Haimhausen's hands.

Maximilian nonetheless did make allowance for a new chief Master of Provisions (*Oberstproviandmeister*), Georg Pfliegl, who would report directly to the War Council rather than the commissioners. Pfliegl and his staff, together called the provisions service (*Proviandamt*), would oversee the duke's small but growing magazine network. Ducal magazines stockpiled salt, candles, wood, fodder, wine, beer, meat, flour and other supplies to keep them available on short notice. Each magazine had a collector and scribe to track shipping and receiving, and a baker with ovens to prepare the flour into bread that could be quickly sent to the troops. In time Maximilian established magazines along the Danube at Straubing, Ingolstadt, and Rain am Lech, on the Inn at Braunau and Schärding, and in the interior at Landshut and Burghausen.¹⁴

Maximilian intended his provisions office to help keep the army well-supplied beyond Bavaria's borders. Pfliegl would, he hoped, keep the magazines well-stocked and maintain secure routes to ship the goods over distances. He sometimes assigned the War Council dedicated officials to arrange wagons and boats for transport (*Fuhramt*), or to watch over arsenals, munitions and other war materials (*Zeugamt*). In cases when his administration came up short Maximilian expected commissioners to make the usual on-

¹³ See Albrecht, *Maximilian I*, 611-640.

¹⁴ On the provisions service and magazine system see Heilmann, *Kriegsgeschichte*, 996-997, and Damboer, *Krise des Söldner-Kapitalismus*, 127-130.

the-spot arrangements officers normally handled in the field. They would liaise with local authorities, contract with sutlers, merchant suppliers, and transport providers and, when practical, set up market staples along important routes.¹⁵ In addition he wanted commissioners to offer soldiers *Remontierung*, that is, the option to turn in their own or captured weapons in exchange for cash.¹⁶ He could then stockpile these in arsenals and bestow them upon new recruits, as captains often did, to help establish their lord-retainer relationship.

Through his War Council and provisions office, his commissioners and bench payment, Maximilian strove to fund and supply the entire campaign under his sole auspices. Steady coin from his treasury would oblige commanders to respect Maximilian's wishes, while good pay and supply would belie any rationales for violence soldiers might visit upon subjects under his protection. He expected commissioners to report officers who neglected good regiment and help them avoid illegal actions that might tarnish Maximilian's reputation. In this way Maximilian would assert his own lordship over the army's conduct and his soldiers' material well-being.

¹⁵ See discussion in Heilmann, *Kriegsgeschichte*, 996-997, and Damboer, *Krise des Söldner-Kapitalismus*, 127-130.

¹⁶ In its strict meaning the term refers to remounts offered to cavalrymen to replace horses lost in action, but correspondents use it more broadly to indicate compensation for equipment offered or lost in the duke's service.

Officers Resist: Petitions, Mischief and Open-Table Maintenance

Commanders, for their part, lodged repeated protests against the duke's new policies, often in joint petitions, wherein they claimed their reputations depended upon open-table maintenance and the hunt for spoils. Left without the means to provide for their own men, they claimed, or to reward hard fighting, they could neither establish leadership and authority in the ranks, nor could they cultivate loyalty and credit among their followers. Their negotiation strategies reveal, first, their wish to be perceived as lords and, second, the means they used to exercise putative lordship in their companies and regiments.

Johann Viermund von der Neersen, for example, gathered several endorsements for a joint petition that expressed common views.¹⁷ They feared curtailed access to Maximilian's coin would reflect disfavor upon them and deny them the reimbursement they needed to provide maintenance for their troops in the field. Leaders who could not support their own men, on their own terms, would inspire little respect or loyalty, they said, and their good word would cease to carry any credit among soldiers. Neersen later added that he knew Maximilian intended no disfavor toward his warriors, but he would nonetheless rather resign his company than lose his good name, his honor, and his reputation.¹⁸

¹⁷ Neersen's letter and joint petition, KuBay ÄA 2254 fol. 165-166, July 20, 1619, Neersen to Maximilian; Maximilian further discusses their claims in KuBay ÄA 2254 fol. 163-164, July 26, 1619, Maximilian to Neersen.

¹⁸ KuBay ÄA 2259 fol. 3-4, August 12, 1619, Neersen to Maximilian.

Colonel Engelbert von Bönninghausen, too, collected endorsements for a joint petition.¹⁹ Bench payment breached their contract terms, they insisted, and ran contrary to both the articles and time-honored customs of war (*alter Kriegsgebrauch*).

Bönninghausen asked that Maximilian cancel the policy in order to protect his and his captains' honor, good names and reputations. Maximilian assured Bönninghausen that he had intended no disfavor or discredit to his warriors when he introduced the policy.²⁰ He nonetheless appreciated their concerns and agreed to suspend bench payment for three months. He would insist upon it at future musters, however, and expected both officers and commissioners to abide by his instructions.

Maximilian's commanders tried, in response, to convince the duke that they could neither support nor control their men unless he allowed them to resume traditional open-table maintenance. Colonel Wartenberg's cavalry captains, for instance, warned commissioner Schwabach that Maximilian had not provided their men with enough support to fulfill the obligations soldiers otherwise expected from their own officers.²¹ Once they reached Bavarian lands their troops simply took from Maximilian's subjects what they felt the duke owed them.

Local lodgers around Mühldorf and Ötting, for example, where Wartenberg's captains had gathered their recruits, met with Schwabach during his billet visitations to

¹⁹ Bönninghausen's letter and joint petition, KuBay ÄA 2261 fol. 203, 1619, Bönninghausen to Maximilian; KuBay ÄA 2261 fol. 210-211, August 7, 1619, Bönninghausen to Maximilian.

²⁰ KuBay ÄA 2261 fol. 201-202, August 3, 1619, Maximilian to Bönninghausen.

²¹ Discussed in exchanges between Schwabach and Maximilian, KuBay ÄA 2275 fol. 1-2, February 10, 1620, Maximilian to Schwabach; KuBay ÄA 2275 fol. 5-7, February 22, 1620, Schwabach to Maximilian.

complain that the horsemen refused to pay for the goods and services they had consumed.²² Officers explained, when Schwabach confronted them, that their men had paid in good faith, but the lodgers refused to include hay and fodder in the original stall rents for their mounts. Now they were trying to gouge the riders for more coin, costs the soldiers could not afford. Maximilian should provide his cavaliers with more conduct money, they insisted, enough to meet all the charges they incurred in his service. Several months later Wartenberg's captains threatened to leave Maximilian's service altogether unless he either changed his policies or provided better maintenance.²³ Maximilian would need to show better lordship through his commissioners, in other words, should he continue to deny captains the privilege.

In the meantime Wartenberg's captains found themselves suddenly unable to keep "good regiment" in their commands, or so they claimed.²⁴ Their recruits had begun to take free license to engage in games, competitions, brawls, sometimes duels, heavy drinking and lavish banquets. Correspondents usually described these activities as "mischief" (*Mütwillen*), and sometimes "immodesty" (*Unbeschaidenhait*) or

²² Schwabach describes his visitation, his discussion with the lodgers, and his interaction with Wartenberg's captains, KuBay ÄA 2275 fol. 5-7, February 22, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 3-4, February 27, 1620, Maximilian to Schwabach.

²³ KuBay ÄA 2275 fol. 19-20, April 11, 1620, Schwabach to Maximilian.

²⁴ Schwabach describes his many interactions with Wartenberg's captains throughout the spring, KuBay ÄA 2275 fol. 5-7, February 22, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 23-24, April 7, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 19-20, April 11, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 19-20, April 11, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 27-29, April 30, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 30-31, May 5, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 32, May 5, 1620, Schwabach to Maximilian; KuBay ÄA 2275 f 47, May 27, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 49-51, May 28, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 60-62, June 14, 1620, Schwabach to Maximilian, among others.

“impertinence” (*Frechheit*) or, when taken in prolonged, open defiance, “insolences” (*Insolenzien*). Phrases like these reflected Maximilian’s perspective and recur throughout the documents as the duke and his administration shaped the terms of negotiation.

Leaders tended to allow and even encourage “mischief” in an effort to build credit among their followers. Soldiers, as officers and commissioners portray them in their letters, seem to have craved the chance to perform their manliness, their skill at arms, and the bold lifestyle associated with warrior identity and companionship in arms. In taking up the sword, holding banquets, and trying to live at subjects’ expense they might have sought to act out a version of noble privilege they imagined they had earned through service as retainers. Officers claimed that when they failed to meet their men’s expectations the soldiers used “insolence,” that is, greater liberties than leaders themselves had authorized, in order to pressure them into making good on their maintenance obligations.

In other cases, however, commanders gave free rein to “mischief,” and allowed their soldiers to take spoils at will, even in friendly lands, to convince the duke to redress their own grievances. Seldom did they admit complicity outright, but claimed instead that the troops, unhappy with the maintenance they had received, had become ungovernable despite their best efforts to keep “good regiment.” Wartenberg’s captains, for example, pursued this very strategy in their dealings with commissioner Schwabach at

Mühldorf and Ötting during the spring.²⁵ Schwabach reported how the officers told him, in meetings, that their credit among the troops had waned so badly they feared their recruits might desert before the muster commenced. Officers sought to demonstrate, through example, that they could not maintain authority among their men unless free to practice lordship within their commands.

Schwabach urged Maximilian to heed their warnings and grant their requests for more cash.²⁶ He noted one captain in particular, Hans Friedrich Langenauer, a famous cavalier who he said commanded great respect and seemed to have led the others in their effort to regain their customary privileges.²⁷ Langenauer led a renowned company, the commissioner said, and offered highly experienced soldiers who brought with them good warhorses, always a scarce and valuable commodity. He felt the duke should satisfy Langenauer, above all, so the other captains would follow his example and reach an accommodation. In describing Langenauer's stature Schwabach emphasized his martial

²⁵ Schwabach details his meetings and negotiations with Wartenberg's captains in his many reports and letters to Maximilian, KuBay ÄA 2275 fol. 5-7, February 22, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 23-24, April 7, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 19-20, April 11, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 19-20, April 11, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 27-29, April 30, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 30-31, May 5, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 32, May 5, 1620, Schwabach to Maximilian; KuBay ÄA 2275 f 47, May 27, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 49-51, May 28, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 60-62, June 14, 1620, Schwabach to Maximilian, among others.

²⁶ He repeated his counsel throughout April and May, KuBay ÄA 2275 fol. 19-20, April 11, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 27-29, April 30, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 30-31, May 5, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 32, May 5, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 47, May 27, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 49-51, May 28, 1620, Schwabach to Maximilian.

²⁷ Schwabach discusses Langenauer, KuBay ÄA 2275 fol. 60-62, June 14, 1620, Schwabach to Maximilian.

reputation, his large following and ability to provide for his men, that is, those qualities associated with lordship.

In time Maximilian agreed to Schwabach's recommendations and promised he would send more coin shortly.²⁸ His reply might indeed have addressed the captains' earlier ultimatum, but it represented neither a concession to their protests nor a move to restore their customary prerogatives. Cash convoys instead showed Maximilian's renewed commitment to provide for the troops through his own maintenance and ensure that his new policies succeeded in proving his lordship. Officers therefore remained unsatisfied and continued their efforts to convince him that only their own maintenance could restore "good regiment" and "devotion" among their men.

Later that summer, for instance, Schwabach got further reports that Wartenberg's cavalry had continued to engage in "mischief" throughout the spring.²⁹ Leaders in Johann Perrin's company, in particular, claimed their men had become so dissatisfied with the duke's poor maintenance that they felt inclined to leave his service altogether.³⁰ Perrin's men told Schwabach that only their "devotion" to Perrin himself had prevented them from deserting. Perrin's leadership and maintenance had earned him credit as an "honorable cavalier" (*ehrlicher Cavalier*), they said, and they gladly served him with "body, blood and estate" (*Leib, Bluet und Guet*), the same phrase colonels and captains

²⁸ KuBay ÄA 2275 fol. 21-22, April 15, 1620, Maximilian to Schwabach; KuBay ÄA 2275 fol. 25-26, April 19, 1620, Maximilian to Schwabach.

²⁹ Schwabach discusses the reports, KuBay ÄA 2275 fol. 60-62, June 14, 1620, Schwabach to Maximilian.

³⁰ Schwabach discusses Perrin's company, *ibid.*

used to describe their service to Maximilian. Recruits still wished to serve the House of Bavaria, they said, but only if they fought under Perrin, and with his maintenance.

Claims like these, whether in their words or in Schwabach's, implied to the duke that soldiers would not accept his lordship in substitute for that from their own commanders.

In the meantime colonel Wartenberg took matters into his own hands and decided to provide maintenance for his troops without permission from Maximilian or his commissioners. He had his household *Hofmeister*, Alexander Rolus, draw up his own victual ordinance for the troops billeted around Mühldorf and Ötting during the spring.³¹ Its articles required local lodgers to provision the cavalry as their captains saw fit, the very demand they had earlier made on the duke. Schwabach, at first uncertain how to proceed, tried to counter the ordinance with other arrangements through Maximilian's local *Pfleger*, rather than allow the colonel to usurp the duke's prerogatives.³²

Soon thereafter, to Schwabach's relief, Maximilian's promised cash consignment arrived for Wartenberg's captains.³³ Rather than content them as the commissioner had hoped, however, the officers and soldiers refused to accept the coin altogether. Leaders claimed their men felt insulted by the paltry sum and threatened, once again, to leave their lodgings for service elsewhere.³⁴ Schwabach urged the captains to remain patient

³¹ Schwabach describes Wartenberg's ordinance, KuBay ÄA 2275 fol. 23-24, April 7, 1620, Schwabach to Maximilian.

³² KuBay ÄA 2275 fol. 27-29, April 30, 1620, Schwabach to Maximilian.

³³ Kubay ÄA 2275 fol. 25-26, April 19, 1620, Maximilian to Schwabach.

³⁴ Schwabach describes his negotiations with them during April and May, KuBay ÄA 2275 fol. 19-20, April 11, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 27-29, April 30, 1620, Schwabach to

and remember their affection for the House of Bavaria, to no avail, he said. Before long Wartenberg himself stepped in and provided his own maintenance, and his captains followed suit. Like Neersen, Bönninghausen, Langenauer, Perrin and others, Wartenberg sought to prove that only traditional open-table maintenance could satisfy the troops.

In petitions, through “mischief” and by their own initiative officers tried to persuade Maximilian that their soldiers would not accept his lordship in substitute for their own. Commanders like Langenauer, Perrin and Wartenberg asserted their customary right to support their own men through open-table maintenance. Maximilian nonetheless remained committed to his policies and tried to send enough cash to demonstrate his lordship despite their grievances. Officers, on the other hand, never relented in their efforts to prove his maintenance insufficient and continued to pressure him throughout their first campaigns.

“Good Regiment”: Discipline, Jurisdiction and Punishment

Wartenberg’s victual ordinance illustrates not only how officers took maintenance back into their own hands, but also their willingness to wrest legal prerogatives from local authorities in matters that touched upon their men’s welfare. Commanders frequently compelled local magistrates to heed their authority, provide their men with food, shelter

Maximilian; KuBay ÄA 2275 fol. 30-31, May 5, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 32, May 5, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 47, May 27, 1620, Schwabach to Maximilian; KuBay ÄA 2275 fol. 49-51, May 28, 1620, Schwabach to Maximilian.

and supply on an otherwise illegal basis, and ignore crimes committed by soldiers engaged in mischief and violence. During clashes between soldiers and local subjects officers fought to claim sole jurisdiction over their men in an effort to shield them from civil law. In so doing they not only defended their own lordship within their commands, but used lordship to claim the right to exercise state power granted them by charter.

During that same summer, for example, several men from Langenauer's company left their muster billets at Mühldorf and took a short ride along the Inn to attend an annual fair being held a few miles upriver at Altötting.³⁵ Not long after they arrived they got involved in a heated dispute with several fairgoers that quickly went awry and escalated to swordplay. In the ensuing brawl the horsemen shot and fatally wounded several townspeople. They made their escape during the commotion, but the authorities knew their regiment. Magistrates quickly confronted Wartenberg, his staff, and Langenauer to demand that their soldiers be turned over to face justice.³⁶ Langenauer describes to Maximilian how the officers refused outright, denied any knowledge about the incident and claimed that their men, in the unlikely event they could be found or identified, would face military justice in the customary manner, under their auspices. By freely acknowledging the incident, on the one hand, but also showing how his colonel and fellow captains had denied legal culpability for it, on the other, Langenauer

³⁵ Langenauer recounts the incident in his letter, KuBay ÄA 2274 fol. 397, July 26, 1620, Langenauer to Maximilian.

³⁶ Langenauer describes their demands, *ibid.*

communicated to Maximilian that officers would tolerate no interference in their commands from local authorities, regardless of their men's conduct.

Officers normally had more trouble trying to protect troops who, like Langenauer's men, went beyond simple "mischief" and committed capital crimes. Soldiers took theft, rape and murder as legitimate spoils in lands whose rulers stood in open enmity with the emperor and empire, that is, rulers who had broken the public peace.³⁷ But the articles of war strictly protected subjects in lands under law-abiding rulers. Correspondents referred to soldiers' capital offenses as "highly punishable" (*hochsträfllich*), possibly in reference to high jurisdiction (*Hochgerichtsbarkeit*). Illegal loot and booty taken under improper circumstances, often alongside both mischief and capital crimes, fell under the term "exorbitances" (*Exorbitanzen*).

In practice many warlords only bothered to enforce the articles of war within their own and their allies' lands.³⁸ Maximilian would, in this case, have spared only Bavaria, those principalities he administered under occupation, and lands that belonged to other League members. Unlike other warlords, however, the duke seems to have tried in earnest, at least early in the war, to curb wanton violence against all neutral parties. In his role as imperial commissioner he showed serious concern that his army's behavior

³⁷ See Fritz Redlich, *De Praeda Militari. Looting and Booty, 1500-1815* (Wiesbaden: F. Steiner, 1956), and Matthew Bennett, "Legality and Legitimacy in War and its Conduct, 1350-1650," in *European Warfare, 1350-1750*, ed. Frank Tallett and D.J.B. Trim (Cambridge: Cambridge University Press, 2010), 264-277.

³⁸ See the discussion in Kersen Krüger, "Kriegsfinanzen und Reichsrecht im 16. und 17. Jahrhundert," in *Krieg und Frieden: Militär und Gesellschaft in der Frühen Neuzeit*, ed. Bernhard Kroener and Ralf Pröve, (Paderborn: Schöningh, 1996), 47-58.

appear legitimate and sanctioned under the law.³⁹ He issued repeated orders to insist that his officers enforce “good regiment” (*gutes Regiment*) in their commands and prevent wanton violence against local populations.

Maximilian recognized that his ability to exercise lordship in the army would depend upon how thoroughly he convinced officers to cooperate with his policies. Colonels and captains held exclusive authority over discipline and punishment under the customs of war and military justice (*Kriegsrecht*).⁴⁰ Rather than simply abrogate their privileges Maximilian tried, instead, to prevent them from exercising those privileges. He developed new disciplinary procedures he hoped would make them more accountable for their men’s conduct, on the one hand, and ease relations with local authorities on the other. He instructed his commissioners to supervise their initial enforcement and then, once his expectations had been established, broadened his orders to include officers as well.

Maximilian first implemented his new procedures in summer 1619, when his officials in the Vohburg *Landgericht*, near Ingolstadt, informed him that prospective troops had begun to commit serious offenses while they awaited muster.⁴¹ Shenanigans

³⁹ See Kaiser, *Politik und Kriegführung*, 236-249.

⁴⁰ See Peter Burschel, *Söldner im Nordwestdeutschland des 16. und 17. Jahrhunderts: Sozialgeschichtliche Studien* (Göttingen: Vandenhoeck & Ruprecht, 1994), 129-145; Reinhard Baumann, *Landsknechte: Ihre Geschichte und Kultur vom Späten Mittelalter bis zum Dreißigjährigen Krieg* (Munich: Beck, 1994), 92-108; and Fritz Redlich, *De Praeda Militari. Looting and Booty, 1500-1815* (Wiesbaden: F. Steiner, 1956), 5-53.

⁴¹ Maximilian describes the reports in his orders to Haimhausen, KuBay ÄA 2246 fol. 10-11, July 17, 1619, Maximilian to Haimhausen.

that had begun as simple “mischief” escalated into widespread property crime. Recruits broke into homes, ransacked churches and chapels, stole livestock and, even worse, uprooted fruit trees, a cruelty forbidden entirely under the articles of war because of the long-term hardship it inflicted on villagers. Maximilian instructed general commissioner Haimhausen to conduct an inquiry, find the individuals responsible, and render exemplary punishment to show that such behavior would not be tolerated.⁴² Haimhausen should also remind the colonels and captains that the duke expected them to keep better “regiment” to protect his subjects from harm.

Maximilian ordered similar measures when his own troops began to inflict damage on neutral parties beyond his own lands.⁴³ In early winter, 1620, League recruits had to fight their way across Swabia to reach the army’s assembly points in Bavaria. Union troops tried to contest them for bridges and for narrow routes that ran through forests and mountains, or past fortified points. Both sides tried to force local authorities to collaborate with their efforts.⁴⁴ Skirmishes alongside illegal raids, counter-raids and reprisals against subjects caused widespread outcry and quickly exhausted the duke’s tolerance. Maximilian deputized a trusted colonel, Levin von Mortaigne, to serve as his commissioner and monitor how the companies behaved.⁴⁵ Mortaigne should prosecute

⁴² KuBay ÄA 2246 fol. 10-11, July 17, 1619, Maximilian to Haimhausen.

⁴³ KuBay ÄA 2274 fol. 273-274, February 16, 1620, Maximilian to Mortaigne, copied to Bönninghausen, Pappenheim, Haslang, and others.

⁴⁴ In his instructions Maximilian discusses prior reports and letters he had received, *ibid.*

⁴⁵ *Ibid.*

illegal violence, the duke ordered, and make sure the individuals responsible suffered exemplary punishment. Maximilian copied several other colonels on his order and admonished them to cooperate with Mortaigne and keep “good regiment” to protect the emperor’s subjects.

Further complaints prompted Maximilian to issue the same instructions not only to commissioners, but also to officers.⁴⁶ He told Neersen, for example, to investigate some horsemen in his company who had allegedly killed several villagers near their billets.⁴⁷ Neersen should find the cuprits, render exemplary punishment and make a full report. Maximilian went on to emphasize that incidents like these besmirched his princely reputation, particularly when he led the army in person, witnessed them with his own eyes and seemed to tolerate them in his very presence. He meant, in other words, that his own lordship came into question when he could not seem to master his own soldiers or compel them to carry out his commission in the way he desired.

In time, the duke introduced a further requirement that officers force those soldiers responsible to make full restitution to their victims. He told colonel Nicola Rouville to implement this policy when he got reports that Rouville’s horsemen had driven people from their homes and from inns, struck and injured them, and stole cattle and valuables.⁴⁸ He expected the colonel to conduct inquiries, try the culprits under

⁴⁶ KuBay ÄA 2254 fol. 169-170, August 3, 1620, Maximilian to Neersen; KuBay ÄA 2274 fol. 391-392, July, 1620, Maximilian to Rouville.

⁴⁷ KuBay ÄA 2254 fol. 169-170, August 3, 1620, Maximilian to Neersen.

⁴⁸ KuBay ÄA 2274 fol. 391-392, July, 1620, Maximilian to Rouville.

military justice, force them to make restitution and then render exemplary punishment. In this way, officers might quash grievances before local authorities could claim restitution from the duke himself.

But Rouville, like other officers, proved unwilling to proceed against his own troops. Maximilian scolded Rouville in his instructions for not having followed the same orders in previous cases.⁴⁹ Commissioners reported that Rouville stood by and watched while his men practiced their “exorbitancies.” Those who tried to conduct further investigation complained that Rouville had simply laughed in their faces and turned them away from his headquarters.⁵⁰ Maximilian pressed the colonel to cooperate with commissioner Eisenreich, whom he sent to help with the inquiries, but seemingly to little result. Rouville’s actions, as described, seemed to suggest that he found the duke’s attempt to interfere in his judicial prerogatives ridiculous and would resist any similar attempts in the future.

By summer, 1620, when Langenauer’s men came under scrutiny for the shooting in Altötting, Maximilian’s new expectations had become firmly established, at least on paper, as the duke continued to shape the terms of negotiation. Langenauer felt compelled to hastily excuse himself from any involvement in their misconduct. He had traveled on the duke’s invitation to attend court in Munich with colonel Wartenberg, he

⁴⁹ Ibid.

⁵⁰ Maximilian describes the reports in his reprimand to Rouville, *ibid.*

explained.⁵¹ In his absence he left his lieutenant in command at Mühldorf. He promised to ensure better “regiment” in the future and expressed his hope that Maximilian would not hold him in disfavor over the incident.

In practice, however, Langenauer continued to avoid cooperating with the duke’s mandates. He claimed to have returned to Mühldorf shortly thereafter and pursued the incident per Maximilian’s guidelines.⁵² His investigation failed to turn up anyone he could punish, he said, because the culprits had long since deserted and fled the region. True or not, the captain’s evasion illustrates an important loophole in Maximilian’s disciplinary procedure. Officers in their letters deemed collective punishment “bad justice” (*schlechte Justitia*) and insisted, per military tradition, that only those directly responsible be punished for their crimes. Officers easily shielded their men by claiming the individuals could not be identified, had gone into hiding or had left the army. Soldiers moreover inflicted far more damage than they could hope to make good on their own through restitution. In the future Maximilian and his commanders would use the loophole as a convenient way to address complaints against their troops without having to take meaningful action to remedy them.

Officers continued throughout the League’s campaigns to reject interference from outside their commands, shield their followers from legal repercussions, and safeguard their men’s welfare vis-à-vis local authorities. Rather than heed Maximilian’s repeated

⁵¹ KuBay ÄA 2274 fol. 397, July 26, 1620, Langenauer to Maximilian.

⁵² Ibid.

mandates to enforce his disciplinary policies they largely ignored the new procedures and evaded inquiry by claiming the culprits could not be found, or had fled. Their resistance reflected an effort to prevent Maximilian from claiming lordship over their men through “good regiment.” They preferred to practice their own lordship by leading their men in partisan warfare and the hunt for loot and booty.

“Public Enemies”: Partisans, Plunder and Constitutional Authority

In asking his officers to keep “good regiment” Maximilian intended them to refrain not only from illegal violence and plunder but also, increasingly, from legitimate partisan tactics and the hunt for spoils they entailed. He had designed his financial and disciplinary policies in the hope that his army could vanquish the rebels in one swift campaign with minimal bloodshed.⁵³ He soon found, however, that his advance would prove far more difficult, brutal and costly than he had anticipated. Commanders relied more than ever upon partisan methods to drive out enemy troops, suppress local resistance and establish control in the face of opposition from collaborators. Officers consistently ignored Maximilian’s restrictions and claimed they hampered their efforts to conduct the war, uphold their reputations and maintain their men. Their message implied that only through their own lordship could Maximilian’s army conduct successful campaigns.

⁵³ On Maximilian’s considerations see Albrecht, *Maximilian I. von Bayern 1573-1651* (Munich: R. Oldenbourg, 1998), 611-640.

By as early as late 1619 and early 1620, before Maximilian had even assigned the army its assembly points, League officers found themselves forced to contend with enemy partisans trying to interdict their travel.⁵⁴ During the winter the Protestant Union spread parties out to control the routes through Swabia and western Franconia toward Bavaria. Leaguists who had recruited in the west and north now had to fight or slip their way past the Unionists to reach muster. Nearly half the prospective army had yet to arrive by March, 1620. League and Union troops continued to grapple in eastern Swabia throughout the spring and into the summer.

In June, 1620, Maximilian ordered League troops to converge on Ulm and established his headquarters near Dillingen. League and Union leaders, unable to break their stalemate during several weeks' further fighting, reached an eventual truce. By the Treaty of Ulm, signed in July, both parties agreed not to attack lands that belonged to each other's members.⁵⁵ Union commanders turned their defenses to face Spanish troops in the Rhineland and left Frederick V, his Bohemian supporters and their allies in Austria to fend for themselves.

Later that month Ferdinand authorized Maximilian to cross into Upper Austria and bring his rebellious nobles to terms.⁵⁶ League troops had first to cross the Inn and fight their way through the mountains against bitter resistance in the passes and villages.

⁵⁴ On the 1619 and early 1620 campaign see Johann Heilmann, *Kriegsgeschichte*, 12-51.

⁵⁵ On the Treaty of Ulm see Asch *Thirty Years War*, 63-64.

⁵⁶ On the 1620 campaign in Upper Austria see Johann Heilmann, *Kriegsgeschichte*, 51-61.

Their vanguard under general-major Anholt, several thousand men, contended with nearly 20,000 fighters, half regional militia, the other half veterans the estates hired to bolster their locals. Defenders forced the Leaguists to fight them piecemeal and organized partisan counterattacks from the mountainsides. Once Anholt pushed his way through he had next to subdue the towns. Local villagers joined the urban militia and helped delay his men for several weeks.

By the time Anholt's men had dealt with the towns most felt their ordeals had entitled them to claim traditional rewards for their service. League troops stood legally entitled under the articles of war to treat anyone who waged war against them, and by extension against the emperor, as what correspondents called an "open" or "public" enemy (*öffentlicher Feind*). Soldiers could claim loot, booty and, under the right conditions, reprisals and blood vengeance as legitimate spoils.⁵⁷

Commanders under Maximilian's charter, and by extension the emperor's, stood legally entitled to use the state's powers to subdue the emperor's public enemies. Officers chose to deploy the duke's constitutional authority through the practices of lordship and, in the case of partisan warfare, those of the feud. Once they resumed their advance toward Linz they put those towns and villages that opposed them to the sword,

⁵⁷ On the notion of "public enmity" see Otto Brunner, *Land and Lordship: Structures of Governance in Medieval Austria*, trans. H. Kaminsky and J. Van Horn Melton (Philadelphia: University of Pennsylvania Press, 1992); and on its expression in early-seventeenth century laws of war see Fritz Redlich, *De Praeda Militari. Looting and Booty, 1500-1815* (Wiesbaden: F. Steiner, 1956), 5-53; and Matthew Bennett, "Legality and Legitimacy in War and its Conduct, 1350-1650," in *European Warfare, 1350-1750*, 264-277.

then burned the settlements behind them. Refugees collected into even more determined bands and continued their efforts to attack and harass the soldiers.

Maximilian, for his part, regarded the army's conduct with increasing dismay.⁵⁸ He had no wish to hold the Upper Austrian estates or subjects in open enmity. Ferdinand had entrusted the region to the duke's governance for at least several further years following the expedition. Its subjects fell, in principle, under Maximilian's princely care, and he bore responsibility for their well-being.

Rather than allow his troops to despoil them he instead took steps to assert his own lordship and restrain the violence through policy. He ordered his officers to have the *Rumormeister* and provosts regard capital crimes, particularly arson, as illegitimate, and to summarily hang any soldiers caught participating in them.⁵⁹ He also told commanders to treat peasant partisans not as enemy fighters, but as rabble engaged in rural revolt. Ringleaders would be condemned as agitators and hanged to discourage further insurrection, but villagers would not be subject to reprisal.

Maximilian's restrictions seem to have fallen on unreceptive officers and troops. Soldiers, as portrayed by correspondents, expected spoils in reward for hard fighting. On most campaigns they found that regular patrols, raids, forage rides, ambushes, small skirmishes and, above all, convoy interdictions, offered the best occasions to take good prizes. But commanders, in Upper Austria and elsewhere throughout the war, often

⁵⁸ On Maximilian's attitudes and his subsequent efforts to strengthen ducal control in the army see Albrecht, *Maximilian I*, 611-640; as well as Wilson, *Europe's Tragedy*, 295-298.

⁵⁹ Maximilian's measures are described in detail in Heilmann, *Kriegsgeschichte*, 61-90.

worked with local collaborators to help their parties control regions, sustain their troops and make life difficult for their foes. Soldiers nearly always found themselves contending with some villagers and townspeople alongside the enemy's hired troops.⁶⁰

Commanders treated hostile locals as open enemies, under law, in order to exercise the imperial state's power through their own lordship and to maintain their men through legitimate plunder. Maximilian tied their hands, however, when he took those subjects under his protection and criminalized action against them. Some soldiers likely felt that he had gone back on his good word and denied them the due recompense he owed. Meisl, a participant in these campaigns, may have given voice to their outrage when he insulted the duke in Reuttlinger's tavern in 1621 for failing to reward them for their efforts.⁶¹

In trying to restrain how officers used fire and sword Maximilian also, inadvertently, threatened their ability to advance their reputations in the army. Routine forays offered ambitious leaders many opportunities to show courage and skill, and the wherewithal to win their followers plentiful spoils. They could participate in daily adventures that carried relatively little risk compared to the colossal sieges and climactic battles that overshadow most narratives. In the hunt for loot and booty they made sport

⁶⁰ Few historians discuss or acknowledge these patterns; exceptions include Heilmann, *Kriegsgeschichte*.; Michael Kaiser, "Inmitten des Kriegstheaters: Die Bevölkerung als militärischer Faktor und Kriegsteilnehmer im Dreißigjährigen Krieg," in *Krieg und Frieden*, 281-304, and his *Politik und Kriegführung*.

⁶¹ Fatiga's report on the incident involving Meisl, referenced in Introduction, KuBay ÄA 2275 fol. 590-599, May 1, 1621, Fatiga to Maximilian.

out of small-scale fights, performed their self-image as warriors, and proved their lordly qualities repeatedly before peers and dependents.

Later that August Maximilian's troops captured Linz. Soon the duke's emissaries convinced the Upper Austrian estates to capitulate and declare their renewed loyalty to the Habsburgs.⁶² Maximilian left Herberstorff in charge as *Statthalter* to establish an occupation government and sent troops around to confiscate all weapons, equipment and munitions from the town armories. He then marched east through Lower Austria, helped the imperial troops reduce the remaining Bohemian garrisons and, in early September, swept across the mountains northwest toward Budweis.

In Bohemia the army's partisan struggles proved even more arduous than they had in Austria. Thurn and Anhalt, the Protestant leaders, believed their army too depleted to risk a confrontation during the fall. They opted to avoid open battle, wear down the League and imperial forces, then use the winter to regroup and gather allies for the spring. Throughout September, October and early November they sent parties to defend important places and forced the Catholics to slog their way forward village by village, town by town.⁶³ Cities with old fifteenth-century walls, both in Bohemia and indeed elsewhere throughout the entire war, had to be taken by storm and escalade because the artillery proved too cumbersome to send, and too scarce to risk. Meanwhile the rebels

⁶² On the Bavarian occupation see Albrecht, *Maximilian I*, 581-610; and on the Bavarian, and later Austrian counter-reformation policies in Upper Austria see Ingrao, *Habsburg Monarchy*, 23-34.

⁶³ On the campaign in Bohemia see Heilmann, *Kriegsgeschichte*, 62-76; Barudio, *Teutsche Krieg*, 164-174; as well as Wilson, *Europe's Tragedy*, 294-313.

used Mansfeld's raiders, plus some Hungarian light cavalry on loan from their allies, to lay waste to Maximilian's supply convoys. League troops fought on without any support beyond what their officers could provide or squeeze from the countryside.

Maximilian expressed concern to Ferdinand that the campaign had, over time, made his troops ever more unwilling to treat even loyal subjects with restraint. Under the present circumstances the duke felt that that neither army would "win any reputation" unless they could achieve victory soon.⁶⁴ Later he would chastise the emperor's general, Bucquoy, for having allowed his troops to mistreat the emperor's loyal subjects.⁶⁵ Bucquoy should have instead limited reprisals, theft, arson and murder to lands that belonged to Protestant rebels and their supporters, he insisted. Lands that belonged to loyal Catholics who had submitted in due devotion to Ferdinand should have been spared. Bucquoy's indiscriminate violence discredited Ferdinand's good word to spare loyalists, the duke said, and drove many into the rebel camp. It also brought dishonor to Maximilian, the League, and the Catholic cause more broadly. He closed his reprimand with a suggestion that perhaps Bucquoy's physical infirmity (*Leibesschwachheit*) rendered him unable to control his men, a veiled insult to the general's lordship and quality as a warrior.

In late October the Catholics managed to catch the Bohemians in several running battles near Prague and, in early November, defeated them on the White Mountain, the

⁶⁴ Quoted in Heilmann, *Kriegsgeschichte*, 64-65.

⁶⁵ KuBay ÄA 2261 fol. 3-5, December 17, 1620, Maximilian to Bucquoy.

final, exhausted clash Thurn and Anhalt had dreaded. League and imperial troops ransacked the city for two days and hunted down the loot and booty the Bohemian soldiers had stashed there for safekeeping. Prague secured, Ferdinand deputized prince Carl von Liechtenstein as his *Landpfleger* to re-establish firm rule throughout his troubled kingdom.⁶⁶ Ferdinand also granted Maximilian and the League shared responsibility to restore the peace in the Bohemian lands. He let the duke appoint Tilly as *Kommandant* in Prague with full command authority over League troops in the region.

In late November Maximilian held a week-long muster at Prague to assess his army's condition.⁶⁷ He appointed colonel Hannibal von Herliberg, a cavalry leader, as his muster commissioner, and had Tilly gather the regiments together for roll calls, absent those away in garrisons.⁶⁸ Their returns revealed staggering casualties. Over half the army had fallen during the League's expedition. White Mountain claimed roughly 1,000 soldiers, but the rest had been lost during the previous four months. Some had died from disease, or had deserted, but it seems likely that most had perished in the partisan fighting. In Maximilian's own household, for example, a group usually remote from the greatest danger, those killed included eight state councilors, five chancery scribes, and many bodyguards.

⁶⁶ On the Bohemian rebellion's broader political context and long-term consequences see Bérenger, *History of the Habsburg Empire*, 261-268 and Ingraio, *Habsburg Monarchy*, 34-39; on the Habsburg government in Bohemia see Wilson, *Europe's Tragedy*, 347-361.

⁶⁷ Muster results reproduced in Heilmann, *Kriegsgeschichte*, 85-86.

⁶⁸ KuBay ÄA 2265 fol. 154-155, January 4, 1621, Maximilian to Herliberg.

Maximilian had sought, throughout the 1620 campaign, to exert his lordship over the army and limit the damage his troops inflicted on local populations. He insisted that officers should observe his new disciplinary policies and ordered them to prevent their men from plundering hostile subjects, putting them to the sword in reprisal, or otherwise treating them as open enemies. Officers largely ignored Maximilian's instructions, however. "Good Regiment" interfered with partisan tactics, prevented them from deploying the imperial state's power through their own lordship, and hampered their ability to build credit among their troops.

Conclusion

Maximilian might, back in June, have expected the Prague muster would conclude his imperial commission in complete success, and thereby demonstrate how he had, through his own lordship, enabled the emperor to exercise the monarchy's authority. He would have led his army in person, kept his troops well-maintained, and extended his princely protection to the emperor's loyal subjects.

Maximilian had tried to strengthen his lordship in the army by usurping from his officers their traditional prerogatives to open-table maintenance and the hunt for spoils. His war council, commissioners, provisions service and bench payment system would have assumed their responsibility for maintenance, while his disciplinary policies would, through "good regiment," have superseded their command authority and prevented them from leading their men in the hunt for spoils.

Once the war got underway, however, Maximilian's officers vigorously resisted his attempts to abrogate their privileges. Commanders re-asserted their right to open-table maintenance, conducted partisan warfare as they saw fit, allowed their soldiers to participate in "mischief" and plunder, and shielded their men from interference and punishment by insisting on sole military jurisdiction. Maximilian persisted in trying to enforce his policies, but in the end they proved more than his administration could handle. He had too few commissioners to uniformly carry out his instructions, let alone force officers to comply, and they lacked the resources to fulfill his ambition to control the flow of maintenance.

In the meantime it became apparent to Maximilian that the war was far from over. During Prague's fall Frederick V managed, in the confusion, to escape to Silesia, then Saxony and eventually to the Hague.⁶⁹ In exile he still retained his champion, Mansfeld, fortified at Pilsen, his ally Gabriel Bethlen, and gathered further support around him from across Europe. Several rebel leaders, including Anhalt, Thurn, Hohenlohe and Jägerndorf, escaped to fight on and rally clandestine troops in the Empire. In Bohemia stalwart nobles and subjects harassed the occupiers and tried to prepare the ground for their leaders' awaited return.

Maximilian feared that now, with Mansfeld still on the march and Bohemia still unstable, he would need to keep the League army on its feet for at least another year.

⁶⁹See Peter H. Wilson, *Europe's Tragedy*, 314-325.

Tilly's force had been reduced to a fraction of its former strength.⁷⁰ Many veterans had stayed on with the regiments, but others, like Meisl, had seen enough and mustered out at Prague to head home. Old regiments would need fresh recruits and new regiments might need to be raised. By the time Tilly conducted his muster at Prague, moreover, the duke had yet to deliver a fraction of the monies he had promised.

Commissioner Herliberg meanwhile encountered difficulty trying to help Tilly square the regimental books during the muster.⁷¹ He found that officers had seldom kept careful track of their incomes and expenses. He pleaded with Maximilian to send more commissioners so they could keep records for payments issued, coin delivered, loans extended, and the other transactions that accumulated over time.⁷² Maximilian sent several new appointees to help Herliberg in the short-term. They included two finance ministers and Hans Ulrich Burhus, a Regensburg city councilman who served as one of Maximilian's toll administrators. Maximilian hoped they could keep better track of the army's finances and thereby help him prolong his arrears into the coming year.

Ferdinand tried to solve similar problems in his own army by setting up the Confiscations Court to absorb former rebels' estates into the crown domains.⁷³ In order to settle debts and recoup the war's costs he turned around and sold the properties to

⁷⁰ Maximilian and Herliberg discuss, KuBay ÄA 2265 fol. 150-152, December 29, 1620, Herliberg to Maximilian; KuBay ÄA 2265 fol. 158-162, January 21, 1621, Maximilian to Herliberg.

⁷¹ KuBay ÄA 2265 fol. 150-152, December 29, 1620, Herliberg to Maximilian.

⁷² KuBay ÄA 2265 fol. 158-162, January 21, 1621, Maximilian to Herliberg.

⁷³ See Wedgwood, *Thirty Years War*, 163-180; and Wilson, *Europe's Tragedy*, 349-361.

loyalists at cut-rate prices. Imperial officers received estates as gifts in recompense for their service and expenses. In the future League officers, too, would ask Maximilian to intercede with the court on their behalf so they could receive Bohemian lands. He could deduct their prices from the recompense Ferdinand owed him for his own efforts as imperial commissioner.

Maximilian returned promptly to Munich that December for the winter. He remained determined to better enforce his policies the following year and decided he would use his commissioners, in particular, to strengthen his lordship in the army.

CHAPTER 2: RECOMPENSE AND COMMANDS, 1621

In the winter of 1620-1621 the exiled Frederick V, his kingdom overrun, his allies scattered, opened peace talks with emperor Ferdinand. He began to entertain terms whereby he might bend the knee and surrender the crown in exchange for amnesty and religious liberty for the Bohemian nobles. Soon, however, he learned that many rebel leaders had escaped the Catholic snare and might yet rally enough support to retake their lands and place him back on the throne. He learned, too, that Ferdinand's troops remained tied up in the east, either with Gabriel Bethlen's attacks, else with the remaining holdouts in Bohemia. Frederick hardened his terms and, in the end, demanded more than the Habsburgs thought reasonable.¹ In January, 1621, Ferdinand re-issued his ban on Frederick and, this time, included many Bohemians who had not yet reconciled with the crown. He would rely once again on support from the Catholic League to bring the outlaws to terms.

Ferdinand's renewed ban dashed any hope Maximilian still held that he might be able to disband his armies.² He began instead to prepare another invasion force during the winter and spring. His best option for the coming year, he decided, would be to carry the war into Frederick's own Palatine lands. He would first secure the Upper Palatinate,

¹ On Frederick's political situation and considerations see Ronald G. Asch *The Thirty Years War: The Holy Roman Empire and Europe, 1618-48* (New York: St. Martin's, 1997), 68-72; and Peter H. Wilson, *Europe's Tragedy: A History of the Thirty Years War*, (London: Penguin, 2009), 314-316.

² On Maximilian's considerations see Michael Kaiser, *Politik und Kriegführung. Maximilian von Bayern, Tilly und die Katholische Liga im Dreißigjährigen Krieg* (Münster: Aschendorff, 1999), 236-249; and Dieter Albrecht, *Maximilian I. von Bayern 1573-1651* (Munich: R. Oldenbourg, 1998), 539-580.

just across the Danube from Bavaria, then pursue the war west into the elector's Rhineland territories.

Maximilian continued, in the Upper Palatinate, to demand that his officers respect his new administrative and disciplinary policies. He remained determined to assert his lordship within the army, retain close control over its operations, and thereby avoid the unlawful conduct he felt had tarnished his reputation during the previous year's campaigns. He led his forces in person, as he had done before in Austria and Bohemia, and he expanded his administration to strengthen his oversight in the army's maintenance and support.

Maximilian soon found, however, that he lacked the resources and personnel to make good on his ambitions. He could scarcely gather sufficient monies to reimburse his officers for their expenses, let alone fund the army solely through his own treasury. Rather than abrogate open-table maintenance, as he had tried before, he now called upon his commanders to support their own men in the long-term until he could summon finances to repay them in the future.

Officers, as they became more deeply invested in their commands, defended their lordly prerogatives all the more trenchantly against Maximilian's interference. Most enjoyed stronger bargaining positions now that the duke had come to rely upon them to fund his troops. Commanders resisted any orders that might threaten bonds with their followers, and they redoubled the hunt for loot and booty, not only to satisfy their soldiers and recoup costs, but also to pressure the duke into making good on reimbursement. Maximilian tried to compel them to exercise more restraint in their

commands through supervision by his commissioners, local authorities, and occupation governments, but officers ignored his mandates, as before, and resisted any attempt by outside authorities to interfere in their companies and regiments.

By year's end Maximilian began to strike new bargains with his commanders and offered them concessions he hoped would make long-term investment and "good regiment" more palatable. Maximilian would agree, first, to refrain from reforming, disbanding, or otherwise reducing their commands, so as to preserve their investments and followings. Officers, in turn, would forego reimbursement for the foreseeable future and, at the duke's insistence, exercise more restraint toward local populations. In reward for their ongoing commitment Maximilian would either enlarge their commands, or award them multiple regiments, so they could grow their followings and expand their prestige and influence in the army. Only a few officers had reached the new, informal arrangement by early 1622, but their compromise would form the basis for future negotiations throughout the army over the next several years.

February Reforms: War Council and the General War Commissariat

Maximilian began his new year with extensive institutional reforms intended to strengthen his control over the army's maintenance and conduct. In February, 1621, he granted the War Council broad executive powers to coordinate his commissioners and

other representatives in the field.³ He instructed them to appoint new commissioners, one for every regiment, each with orders to manage the duke's prerogatives in all matters that pertained to his assigned regiment. Councilors would supervise the commissioners through several General Commissioners (*Generalkommissäre*) deputized from among their number to represent his interests through Tilly's headquarters. In this way Maximilian hoped to supervise his officers in every aspect of their commands and compel them to better respect his instructions.

Maximilian conferred upon regimental commissioners more robust authority to govern on his behalf than he had granted previous appointees. He entrusted them with sole custody over his coin and its expenditure, as before, but in addition he now granted them exclusive authority over each regiment's personnel and administration.⁴ Officers could take no decisions related to payment, recruitment, appointment, reformation, provisions or equipment without their oversight and his approval. Support arrangements with local authorities, merchant vendors and transport providers, too, fell within their exclusive purview. Maximilian became more insistent, too, that commissioners should

³ On the February reforms see August Damboer, *Die Krise des Söldner-Kapitalismus in Bayern unter Kurfürst Maximilian I. insbesondere in der Zeit des dreißigjährigen Krieges. Eine soziologischesche Studie* (Munich, 1921), 14-51; Michael Kaiser, *Politik und Kriegführung*, 15-61; Reinhard Heydenreuter, *Der landesherrliche Hofrat unter Herzog und Kurfürst Maximilian I. von Bayern (1598-1651)* (Munich: Beck, 1981), 178-179; and Albrecht, *Maximilian I*, 630-635.

⁴ More on the commissioners can be found in Damboer, *Krise des Söldner-Kapitalismus*, 14-51; Kaiser, *Politik und Kriegführung*, 15-61; Heydenreuter, *Hofrat*, 178-179; Albrecht, *Maximilian I*, 630-635; and Cordula Kapser, *Die bayerische Kriegsorganisation in der zweiten Hälfte des Dreißigjährigen Krieges, 1635-1648/49* (Münster: Aschendorff, 1997), 101-108.

take full custody over salvage and captured war materials, and require soldiers to take *Remontierung* for weapons, rather than leave related decisions to the officers.

In addition the duke charged commissioners to keep close watch over colonels and captains and make sure they obeyed his instructions. He forbade commissioners from partaking in common table with commanders and required them to submit regular reports on the army's conduct. Reports should include any infractions they witnessed, alongside routine financial transactions, expenses incurred, the troops' mood and readiness, and officers' quality and performance. He also became more concerned that commissioners make sure officers held to the Catholic religion. Regimental commissioners could, the duke hoped, serve as his eyes, ears and hands on a permanent, daily basis.

General Commissioners each enjoyed seats on Tilly's war council and held equivalent rank to a general-major (*Generalwachtmeister*). In council they would read the duke's orders aloud, represent his will, advise commanders on the logistical and financial considerations involved in their plans, and handle all correspondence between Maximilian's councils and Tilly's headquarters. In addition the war chest paymasters (*Kriegszahlamt*), as well as the provisions service (*Proviantamt*), materials service (*Zeugamt*), and transport service (*Fuhramt*) would fall under their supervision.⁵

⁵ On the war chests see Eduard Rosenthal, *Geschichte des Gerichtswesens und der Verwaltungsorganisation Baierns, Vol 2: Vom Ende des 16. bis zur Mitte des 18. Jahrhunderts (1598-1745)* (Würzburg: A. Stuber, 1902), 418-419; and Albrecht, *Maximilian I*, 611-640; and on the logistical services see Damboer, *Krise des Söldner-Kapitalismus*, 125-144.

Maximilian created a new chamber attached to Tilly's headquarters, the General Chancery (*Generalkanzlei*), whose staff would handle the War Council's documents and correspondence in the field. On its board sat the director, General Commissioner Haimhausen, alongside the other General Commissioners when present. Historians tend to describe the general commissioners, plus the officials within their sphere, collectively, as the General War Commissariat (*Generalkriegskommissariat*).⁶

Ducal officials tried to bring the February mandate into effect as best they could during the spring and summer months leading up to the invasion. Most new appointees were not warriors, as before, but rather court councilors from the *Hofrat* and *Hofkammer*, largely townsmen with experience in matters of state and finance. Lawyers and bookkeepers, these new commissioners stood well-suited to verify the muster rolls, record financial transactions and conduct paperwork, skills warriors typically deferred to their household and staff. Their expertise became more essential over time as the army's financial and administrative structures grew more intricate.⁷

Once the 1621 campaign got underway, however, Maximilian's commissariat proved no more effective than it had in Austria and Bohemia.⁸ Officers continued to resist any effort to interfere in their commands or wrest control over the material

⁶ On the General War Commissariat see Damboer, *Krise des Söldner-Kapitalismus*, 14-51; Kaiser, *Politik und Kriegführung*, 15-61; Heydenreuter, *Hofrat*, 178-179; Albrecht, *Maximilian I*, 630-635; and Kapser, *Kriegsorganisation*, 101-108.

⁷ On their origins and importance see Kapser, *Kriegsorganisation*, 101-108; Kaiser, *Politik und Kriegführung*, 15-61; and Albrecht, *Maximilian I*, 611-640.

⁸ On Maximilian's difficulties with the commissariat see Kaiser, *Politik und Kriegführung*, 103-104.

resources they employed to reward their followers. Maximilian managed to employ, at most, some twenty commissioners for the whole army at any given time, not nearly enough to supervise every regiment, let alone those troops distributed across the landscape in smaller parties. He then committed himself to even further burdens in March, 1621, when the Catholic League diet convened in Augsburg and voted to authorize his new recruitment. Maximilian would, once again, find his finances and administration too overwhelmed to meet the tasks he set before them.

Shortage in Coin: Maintenance, Arrears and Deferred Reimbursement

By summer, 1621, when Maximilian launched his invasion into the Upper Palatinate, he had yet to make good on his arrears from the previous year. Officers continued to support their men, but most had gone without reimbursement since 1619, and they found their resources strained. Many began to request more commissioners from Maximilian on their own initiative, not only to witness their contributions to his war effort, but to provide access to the duke's coin so they could recoup their short-term expenses through customary recompense. Officers highlighted how well they had performed lordship in their commands, and how readily they could attract more troops, to bolster their case that they deserved reimbursement. Maximilian's ambition to fund the army on his own had outstripped his government's capacity, however, and he had little choice but to deny their requests.

Most requests came, first, from those officers who had been continuously fighting in the Upper Palatinate since the previous year.⁹ In June, 1620, when he had first taken the field, Maximilian left several regiments along the Danube to guard his northern borderlands against incursions during his march abroad.¹⁰ He entrusted the region's defense to colonel Timon von Lindlo, an old, trusted commander who had helped train the duke's militia since around 1600. Lindlo used his companies to cross, illegally, into the Upper Palatinate, and tasked them to hunt down and stop Mansfeld's parties from their periodic attempts to strike into Bavaria.¹¹

Frederick's spies had kept him well-informed about Maximilian's invasion plans over the winter. In January, 1621, the same month he came under the ban, he ordered Mansfeld to rush across the mountains to the Palatinate's defense. Mansfeld retired his army from western Bohemia with caution, left small rearguard garrisons in the towns to hinder pursuit, then hurried to reach the hills before Tilly could slog his way through

⁹ Lindlo discusses their situation, KuBay ÄA 2276 fol. 116-117, January 27, 1621, Lindlo to Maximilian; KuBay ÄA 2276 fol. 222, July 5, 1621, Lindlo to Maximilian.

¹⁰ See Johann Heilmann, *Kriegsgeschichte von Bayern, Franken, Pfalz, und Schwaben von 1506-1651*, vol.1 (Munich: J.G. Gotta, 1868), 54, 71, 95.

¹¹ Lindlo and Maximilian discuss their efforts in an extensive correspondence, KuBay ÄA 2276 fol. 98, January 23, 1621, Bittorf to Lindlo; KuBay ÄA 2276 fol. 110-111, January 27, 1621, Lindlo to Maximilian; KuBay ÄA 2276 fol. 116-117, January 27, 1621, Lindlo to Maximilian; KuBay ÄA 2276 fol. 106, January 29, 1621, Lindlo to Ruepp; KuBay ÄA 2260 fol. 32-33, January 31, 1621, Maximilian to Lindlo; KuBay ÄA 2276 fol. 119, February 1, 1621, Maximilian to Lindlo; KuBay ÄA 2260 fol. 37-38, February 4, 1621, Maximilian to Lindlo; KuBay ÄA 2276 fol. 128-130, February 5, 1621, Lindlo to Maximilian; KuBay ÄA 2276 fol. 122, February 6, 1621, Lindlo to Maximilian; KuBay ÄA 2276 fol. 144, February 11, 1621, Lindlo to Maximilian; KuBay ÄA-2260 fol. 39, February 13, 1621, Lindlo to Maximilian; KuBay ÄA 2276 fol. 148-149, February 15, 1621, Maximilian to Lindlo; KuBay ÄA 2276 fol. 154-155, February 15, 1621, Ernst to Lindlo; KuBay ÄA-2276 fol. 184-185, March 9, 1621, Lindlo to Maximilian; KuBay ÄA 2260 fol. 41-43, March 9, 1621, Maximilian to Lindlo; KuBay ÄA 2260 fol. 45-49, March 12, 1621, Maximilian to Lindlo.

from Prague and catch him.¹² In reply Lindlo sent more companies across the Danube to keep Mansfeld contained and prevent him from gaining a solid foothold in the Upper Palatinate.

Lindlo's and Mansfeld's parties contended for control in the region throughout the spring.¹³ Local authorities loyal to the elector collaborated with Mansfeld, sheltered his men and allowed his recruiters to drum up young volunteers, while town militia and villagers joined his soldiers to oppose the Leaguist incursions.¹⁴ Mansfeld managed to intercept Maximilian's convoys, captured their coin, weapons and equipment, and, in time, gained the upper hand. Cut off from support, Lindlo began to confine suspected pro-Mansfeld nobles to house arrest and charged ransom for their release. He unleashed his men upon the countryside, as his counterparts had done the year before, and fell back on help from captains and other colonels to sustain the troops.

Commanders in the Upper Palatinate found open-table maintenance and the hunt for spoils not only helpful for their reputations, but also militarily necessary to sustain their men during long tours afield from garrisons and bases. By early 1621, however, the bitter partisan struggle had taken its toll on their resources despite the ready access to loot and booty it entailed. Before long Lindlo began asking Maximilian to assign more

¹² See Heilmann, *Kriegsgeschichte*, 91-121.

¹³ Lindlo and Maximilian discuss their efforts, KuBay ÄA-2276 fol. 184-185, March 9, 1621, Lindlo to Maximilian; KuBay ÄA 2260 fol. 41-43, March 9, 1621, Maximilian to Lindlo; KuBay ÄA 2260 fol. 45-49, March 12, 1621, Maximilian to Lindlo.

¹⁴ See Heilmann, *Kriegsgeschichte*, 91-121.

commissioners to his headquarters.¹⁵ Commissioners would record the expenses officers undertook on the duke's behalf and thereby witness the good service they had rendered.

In their requests for reimbursement officers took every opportunity to remind Maximilian how he relied upon their lordship and maintenance to keep the army fighting. Officers in colonel Gaisberg's new regiment, for example, emphasized how they had spent heavily to bring together good candidates for their companies.¹⁶ Gaisberg's colonel-lieutenant, Hans Adam Wager von Hohenkirchen, for one, prevailed upon Maximilian to recognize his service with further cash through the commissioners. Gaisberg interceded with Maximilian on Wager's behalf and asked the duke to order his regiment's commissioner, Fatiga, to issue Wager more conduct money from his war chests.¹⁷

Wager sought the duke's recompense not only to refill his coffers, but to confirm his reputation and help him grow his following. Gaisberg explained that several ensigns and lieutenants had recently presented themselves to seek posts in Wager's company.¹⁸ He judged them experienced warriors, noblemen with good names who could bring their own followers into service. They might prove reluctant to sign on with Wager, however,

¹⁵ KuBay ÄA 2276 fol. 116-117, January 27, 1621, Lindlo to Maximilian; KuBay ÄA 2276 fol. 222, July 5, 1621, Lindlo to Maximilian.

¹⁶ Gaisberg and Maximilian discuss their claims, KuBay ÄA 2230 fol. 433-435, May 8, 1621, Gaisberg to Maximilian; KuBay ÄA 2230 fol. 431-432, May 10, 1621, Maximilian to Gaisberg; KuBay ÄA 2230 fol. 439-440, May 30, 1621, Gaisberg to Maximilian.

¹⁷ KuBay ÄA 2230 fol. 433-435, May 8, 1621, Gaisberg to Maximilian.

¹⁸ Ibid.

unless they saw that Maximilian would show Wager favor and reward his contributions. Should they decline to join the captain then Gaisberg himself would gladly take them on as *Intretenierte*, he said, until he could find posts for them in the regiment. Maximilian nonetheless refused Wager's and Gaisberg's requests.¹⁹ He similarly disappointed Lindlo and other officers who waited for commissioners who never seemed to arrive when needed.²⁰

In the meantime two other captains in Gaisberg's regiment, Hans Heinrich Reinach and his brother Melchior, asked Maximilian for reimbursement through commissioner Fatiga.²¹ Each had supported their own men during the 1620 campaign, they said, and had thereby earned themselves good reputations. During the winter both brothers continued to provide open-table maintenance and gathered fresh prospectives to recruit their companies back up to strength. Reinach's efforts had earned him Hans Adam Wager's recommendation for the Major's post at Gaisberg's headquarters, he said, as well as earlier reimbursement from commissioner Albrecht. Reinach expected the duke would grant their requests again as before.

¹⁹ KuBay ÄA 2230 fol. 431-432, May 10, 1621, Maximilian to Gaisberg.

²⁰ KuBay ÄA 2276 fol. 222, July 5, 1621, Lindlo to Maximilian; KuBay ÄA 2276 fol. 206, July 6, 1621, Lindlo to Maximilian; KuBay ÄA 2276 fol. 208, July 8, 1621, Maximilian to Lindlo; KuBay ÄA 2260 fol. 58, July 11, 1621, Lindlo to Maximilian; KuBay ÄA 2276 fol. 211, July 15, 1621, Maximilian to Lindlo; KuBay ÄA 2276 fol. 224, July 19, 1621, Maximilian Lindlo; KuBay ÄA 2276 fol. 94, July 27, 1621, Maximilian to Lindlo.

²¹ Maximilian and Hans Heinrich Reinach discuss, KuBay ÄA 2254 fol. 291-292, March 25, 1621, Maximilian to Reinach; KuBay ÄA 2254 fol. 297-298, Reinach to Maximilian; KuBay ÄA 2254 fol. 299-300, June 6, 1621, Reinach to Maximilian.

Maximilian did not refuse Reinach outright, like the others, but told him instead that he must await further reports from his commissioners before he could allocate recompense.²² He adopted the same tactic in his responses to further requests for recompense. Maximilian would henceforth defer them into the unspecified future and remind them that their service and contributions had proven their quality, and their loyalty to his house.

Opportunity to Command: Resistance to Disbandment and Reformation

Maximilian continued throughout the year to deny his officers their requests for reimbursement. In time he began to insist that their service would require them to bear expenses without objection until he could offer them due recompense, presumably once they had secured the Palatinate. Officers, for their part, defended their prerogatives all the more vigorously the more they invested in their companies and regiments. Commanders guarded against his interference, bitterly resisted his efforts to transfer or disband their men, and took every opportunity to prove their quality and lordship. Many looked to their own higher patrons to intercede on their behalf and guarantee them continued opportunities to command. Maximilian found the more he relied on officers to provide maintenance without reimbursement the less leverage he commanded to exert his control in the army.

²² KuBay ÄA 2254 fol. 301-302, June 29. 1621, Maximilian to Reinach, copy Fatiga.

Many officers did receive at least some money from Maximilian to help defray their expenses. Gaisberg, Wager and the Reinach brothers had to wait longer than they would have liked and received less than they expected. Others, however, like colonel Sulz, found their finances stretched to the limit.²³ Sulz had helped fund his captains and their companies since 1619 without any reimbursement. He feared his finances would come to ruin, he said, unless Maximilian made good on his obligation to recoup the expenses, as specified in the colonel's contract terms.²⁴ His captains, too, needed fresh coin to help maintain their men. Like Lindlo, Gaisberg and others, he asked that Maximilian send a commissioner to help figure out the regiment's books, which had come into disarray.²⁵

Sulz and his captains likely knew Maximilian might disband their regiment should they fail to come up with enough recruits to bring their companies back up to strength during the spring. He sought to prove that despite his regiment's hardships he and his men could still deliver the troops and support the duke expected from them. In his letters he stressed, however, that Maximilian's poor recompense had depleted their

²³ KuBay ÄA 2274 fol. 316-317, April 22, 1621, Sulz to Maximilian; KuBay ÄA 2274 fol. 326-327, April 22, 1621, Sulz to Maximilian; KuBay ÄA 2274 fol. 324-325, July 9, 1621, Sulz to Maximilian; KuBay ÄA 2274 fol. 329-333, Sulz to Maximilian; KuBay ÄA 2274 fol. 334-338, Sulz to Maximilian; KuBay ÄA 2274 fol. 340, July 23, 1621, Maximilian to Sulz; KuBay ÄA 2274 fol. 341, August 4, 1621, Maximilian to Sulz; KuBay ÄA 2274 fol. 343, August 13, 1621, Maximilian to Sulz.

²⁴ KuBay ÄA 2274 fol. 316-317, April 22, 1621, Sulz to Maximilian.

²⁵ KuBay ÄA 2274 fol. 316-317, April 22, 1621, Sulz to Maximilian.

reputations and cost them credit among their men.²⁶ Sulz's regiment's condition had so deteriorated, he feared, that his service might bring discredit upon his family's reputation and the honor of his line.

In the end, though, Sulz failed to come up with enough prospective soldiers to rebuild his regiment to full strength.²⁷ Maximilian deferred his reimbursement to future reports from his commissioners, as he had done with Reinach, and left Sulz and his men without sufficient means to offer bounties, conduct money, or other material maintenance to candidate recruits. In May, 1621, he issued the instructions Sulz dreaded, and ordered the colonel to disband his regiment as soon as possible rather than incur further expense.²⁸

Maximilian's decision cost Sulz and his captains their active commands, placed their reputations in jeopardy and damaged their prospects for future service elsewhere. Sulz asked, in consideration, that Maximilian bestow upon him a gift or token that would affirm his valor and show that he still stood in the duke's good graces.²⁹ Maximilian did send a small cash consignment to help Sulz issue partial back pay to the discharged

²⁶ KuBay ÄA 2274 fol. 316-317, April 22, 1621, Sulz to Maximilian; KuBay ÄA 2274 fol. 326-327, April 22, 1621, Sulz to Maximilian.

²⁷ Maximilian discusses, KuBay ÄA 2274 fol. 340, July 23, 1621, Maximilian to Sulz.

²⁸ Maximilian references the May order, *ibid*.

²⁹ KuBay ÄA 2274 fol. 326-327, April 22, 1621, Sulz to Maximilian.

soldiers, but Sulz would have to wait for due recompense until funds became available in the future.³⁰

In the meantime Sulz, desperate to preserve his loyal following, spent the summer putting his name forward for a new regiment in the duke's service.³¹ He would fill the regiment with his present men, he said, and would exercise his skill and courage to advance Maximilian's reputation and fame. He asked only that the duke grant him another chance to demonstrate his quality, he continued, and send him his due recompense, so he could once again lead his troops effectively.

Commanders like Sulz and his captains had fought, bled, and invested years and huge sums to earn credit among soldiers and accrue followers during their service. In his letters Sulz recommended to Maximilian that the duke should avoid disbanding his more experienced, long-serving regiments in the future.³² Officers and soldiers who had persevered and continued to invest in the army had shown their loyalty and deserved the duke's continued support, he said. Such warriors would render more good service in campaigns to come and would contribute to Maximilian's glory in the ongoing war effort.

He added that disbandments would prove more costly to Maximilian, in any event, because he would need to make good on his outstanding arrears and pay the men

³⁰ KuBay ÄA 2274 fol. 340, July 23, 1621, Maximilian to Sulz.

³¹ Sulz and Maximilian discuss, KuBay ÄA 2274 fol. 324-325, July 9, 1621, Sulz to Maximilian; KuBay ÄA 2274 fol. 329-333, Sulz to Maximilian; KuBay ÄA 2274 fol. 334-338, Sulz to Maximilian; KuBay ÄA 2274 fol. 340, July 23, 1621, Maximilian to Sulz; KuBay ÄA 2274 fol. 341, August 4, 1621, Maximilian to Sulz; KuBay ÄA 2274 fol. 343, August 13, 1621, Maximilian to Sulz.

³² Sulz discusses, KuBay ÄA 2274 fol. 329-333, Sulz to Maximilian; KuBay ÄA 2274 fol. 334-338, Sulz to Maximilian.

their discharge bonus.³³ Maximilian had already proven himself willing to defer such payments, but Sulz insisted that those veterans who remained in service would become outraged that their warlord rendered better recompense to less devoted soldiers who left the army. Maximilian responded that he held Sulz in good favor and would gladly grant him a new regiment.³⁴ He planned to raise no further regiments at present, but he would keep Sulz in mind on future occasions.

Colonels and captains resisted not only disbandment orders, but efforts to reform their companies or place their men under another leader's command, even on a temporary basis. Gaisberg, for example, objected to an order from Maximilian to reform one company in his regiment and divide its soldiers among other captains.³⁵ He explained that his own captains had undertaken great effort and expense to keep their men together. Each captain, he said, staked his honor and good name on his promise to lead his men on campaign in person and make sure they saw glory and spoils. Should the duke reform away the company in question he would force the captain to break his word and lose his credit among the troops. Gaisberg himself likely worried that his own reputation would suffer for having allowed such a fate to befall his followers.

Gaisberg responded in a similar manner when Maximilian instructed him to send his own first company to Kätzling to aid the local *Pfleger*, Matthias Rosenheimer, in the

³³ KuBay ÄA 2274 fol. 329-333, Sulz to Maximilian; KuBay ÄA 2274 fol. 334-338, Sulz to Maximilian.

³⁴ KuBay ÄA 2274 fol. 340, July 23, 1621, Maximilian to Sulz.

³⁵ Gaisberg and Maximilian discuss, KuBay ÄA 2230 fol. 437-438, May 20, 1621, Maximilian to Gaisberg; KuBay ÄA 2230 fol. 439-440, May 30, 1621, Gaisberg to Maximilian.

region's defense.³⁶ Rosenheimer had never served under his command, he said, and he hesitated to entrust his men to him. Gaisberg's officers and troops did now know Rosenheimer, would regard him as a "stranger" (*frembter*) and would scarcely follow his leadership. He preferred to keep his own company as well as his *Intretenierte* under his direct command.

In his effort to persuade Maximilian Gaisberg decided, as many officers did, to call upon a higher patron to look out for his interests. He wrote to court and asked Johann von Hohenzollern-Sigmaringen to intercede with Maximilian on his behalf.³⁷ Hohenzollern, an imperial count from the family's senior branch, had been named High Chamberlain (*Oberstkämmerer*) and High Court Master (*Obersthofmeister*) three years before and, by virtue of the latter office, chaired the duke's Privy Council.³⁸ In the end Maximilian was persuaded to leave both matters to Gaisberg's discretion.³⁹ He asked only that Gaisberg make sure to garrison important locations in the region and see to the subjects' protection.

Other colonels and captains, too, looked to their own higher patrons to find them posts and prevent Maximilian from sundering their clienteles. Archduke Leopold, for example, interceded with the duke to make sure he granted one or more new regiments to

³⁶ Gaisberg discusses his concerns and his men's objections, KuBay ÄA 2230 fol. 443-444, June 6, 1621, Gaisberg to Maximilian.

³⁷ KuBay ÄA 2230 fol. 441, May 30, 1621, Gaisberg to Hohenzollern.

³⁸ See Albrecht, *Maximilian I*, 159-184.

³⁹ KuBay ÄA 2230 fol. 445-446, June 12, 1621, Maximilian to Gaisberg.

Egon von Fürstenberg.⁴⁰ Egon hailed from the family Fürstenberg-Heiligenberg, Swabian imperial counts who had long served the Habsburgs.⁴¹ Egon himself already held several church offices at Leopold's dispensation. Maximilian obliged Leopold and granted Fürstenberg two regiments, one infantry, the other cavalry.⁴²

In return Fürstenberg reserved one company in his regiment for Leopold's other client, captain Rudolf Kempfen von Angreth, an experienced warrior in Habsburg service who, like Sulz, sought an active command for himself and his men.⁴³ Leopold offered in addition to send Fürstenberg up to five further captains who also sought companies, should he need them. In the meantime he made the Habsburg lands around Konstanz available for Fürstenberg's muster.⁴⁴

It seems Leopold, Fürstenberg and Kempfen had reached their own arrangement whereby Kempfen and his men would not provide maintenance from their own coffers, but rather with support from Fürstenberg, and perhaps Leopold.⁴⁵ Fürstenberg told

⁴⁰ Leopold, Maximilian and others discuss, KuBay ÄA 2258 fol. 11-12, July 18, 1621, Maximilian to E. Fürstenberg; KuBay ÄA 2258 fol. 16-18, July 31, 1621, Archduke Leopold to E. Fürstenberg; KuBay ÄA 2258 fol. 20, August 6, 1621, Administrator of the Captaincy and Burgermeister and Councilor of the city of Constance to E. Fürstenberg; KuBay ÄA 2258 fol. 38-40, March 4, 1622, Maximilian to E. Fürstenberg.

⁴¹ See Karl Landmann, "Fürstenberg, Egon Graf von," *Allgemeine deutsche Biographie* 8 (1878): 218-219.

⁴² KuBay ÄA 2258 fol. 11-12, July 18, 1621, Maximilian to E. Fürstenberg.

⁴³ KuBay ÄA 2258 fol. 16-18, July 31, 1621, Archduke Leopold to E. Fürstenberg.

⁴⁴ KuBay ÄA 2258 fol. 20, August 6, 1621, Administrator of the Captaincy and Burgermeister and Councilor of the city of Constance to E. Fürstenberg; KuBay ÄA 2258 fol. 38-40, March 4, 1622, Maximilian to E. Fürstenberg.

⁴⁵ Kempfen and Archduke Leopold discuss, KuBay ÄA 2229 fol. 231, 234, October 17, 1621, Kempfen to Maximilian and Archduke Leopold; KuBay ÄA 2229 fol. 232, August 23, 1621, Archduke Leopold to Maximilian.

Kempfen to assemble his company at once and hasten to the Fürstenberg seat at Heiligenberg to pick up some cash the colonel would make available for him. Fürstenberg's appointment had fallen late in the season and he needed to muster his troops right away.

Kempfen and his men took on fresh recruits to bring their company up to strength and made for the colonel's castle.⁴⁶ Once they arrived, however, they found the count's officials had not had enough time to gather the promised funds. Kempfen would have to miss the muster date. Rather than wait at Heiligenberg he requested a muster extension from the colonel and set off to marshal his own resources to support his men. Despite their initial reluctance to invest their own wealth Kempfen and his men nonetheless proved willing so as not to miss their opportunity to serve.

Fürstenberg meanwhile had completed his regiment in Konstanz and marched to join the other League troops gathering with Leopold's field army in Alsace. He instructed Kempfen to bring his company directly to Alsace to join the regiment and muster there.⁴⁷ In August the captain arrived only to find that Fürstenberg had neglected to set aside billets, provisions or further coin for his men. Rather than give Kempfen time to find his own solution Fürstenberg decided to reform his company entirely. He left Kempfen with only sixty men and tried to divide the rest up among his other captains.

⁴⁶ Kempfen discusses, KuBay ÄA 2229 fol. 231, 234, October 17, 1621, Kempfen to Maximilian and Archduke Leopold.

⁴⁷ Kempfen and Archduke Leopold discuss, KuBay ÄA 2229 fol. 231, 234, October 17, 1621, Kempfen to Maximilian and Archduke Leopold; KuBay ÄA 2229 fol. 232, August 23, 1621, Archduke Leopold to Maximilian.

Perhaps Fürstenberg had intended all along, first in Heiligenberg and then in Alsace, to impede Kempfen's inclusion in his regiment.

Kempfen resisted disbandment just as fiercely as had colonel Sulz. He expressed his outrage that he and his men had undertaken such great effort and expense to collect their company only to have them reformed and divided up among strangers.⁴⁸ He asked for suitable recompense from Leopold to show him favor, that he might salvage his good name and his inclination to remain in Leopold's service in the future. Leopold decided to show Kempfen favor rather than allow his client's reputation to suffer. He recruited an entire new company on his own, with his own men, and invited Kempfen to present himself so he might bestow the command upon him in person, should the captain accept his offer.⁴⁹ Leopold and, later, Kempfen explained the entire situation to Maximilian in order to request permission for the new company to enter League service.⁵⁰ Kempfen expressed his desire to remain with the House of Austria and Leopold explained his wish to reconcile with the captain in light of his long, proven loyalty.

Maximilian often found that strong bonds between officers, soldiers and higher patrons not only ensured their continued opportunity to serve, but restricted his own leeway to decide on appointments at his pleasure. In mid-1621, for example, Maximilian

⁴⁸ KuBay ÄA 2229 fol. 231, 234, October 17, 1621, Kempfen to Maximilian and Archduke Leopold.

⁴⁹ KuBay ÄA 2229 fol. 232, August 23, 1621, Archduke Leopold to Maximilian.

⁵⁰ KuBay ÄA 2229 fol. 232, August 23, 1621, Archduke Leopold to Maximilian; KuBay ÄA 2229 fol. 231, 234, October 17, 1621, Kempfen to Maximilian and Archduke Leopold.

needed to replace colonel Bauer, who fell casualty in action against Mansfeld's troops.⁵¹ Bauer had raised his regiment under contract from Johann Gottfried Truchseß, one of the League's most prominent leaders. Truchseß held two imperial bishoprics, Bamberg and Würzburg, the League's only member states besides Bavaria to have contributed troops directly to the army.⁵² He wished Maximilian to grant the regiment to Bauer's own colonel-lieutenant, Wolf Dietrich Truchseß von Wetzhausen, his natural successor to the command.⁵³ Truchseß had served since the war's beginning and Tilly judged him to have earned high esteem and credit among the soldiers.⁵⁴

Several rival candidates put their names forward to command the regiment, however, including colonel Sulz. Anholt recommended his own colonel-lieutenant Zollern for the colonelcy and interceded with Tilly to get his client appointed. Maximilian agreed to name Zollern, perhaps to satisfy Hohenzollern at court.⁵⁵ Bishop Truchseß objected in strong terms, however, and Tilly, too, worried that officers and

⁵¹ KuBay ÄA 2297 fol. 1, August 1, 1621, Maximilian to Tilly; KuBay ÄA 2297 fol. 175, August 31, 1621, Tilly to Maximilian; KuBay ÄA 2297 fol. 210, September 7, 1621, Maximilian to Tilly; KuBay ÄA 2276 fol. 442, September 10, 1621, Truchseß to Maximilian.

⁵² See Franziska Neuer-Landfried, *Die Katholische Liga. Gründung, Neugründung und Organisation eines Sonderbundes, 1608-1620* (Kallmünz, 1968), 195-221.

⁵³ KuBay ÄA 2297 fol. 210, September 7, 1621, Maximilian to Tilly.

⁵⁴ KuBay ÄA 2297 fol. 175, August 31, 1621, Tilly to Maximilian.

⁵⁵ KuBay ÄA 2297 fol. 1, August 1, 1621, Maximilian to Tilly.

soldiers in the Bamberg-Würzburg regiment would become outraged that a stranger and outsider had been appointed above their own colonel-lieutenant, Truchseß.⁵⁶

Maximilian soon agreed to reverse his decision and appointed Truchseß colonel instead.⁵⁷ Truchseß planned to travel to Munich to present himself in person and asked Maximilian to have Tilly introduce him formally to the troops as their new colonel. Zollern meanwhile resigned from Anholt's regiment in indignation and Anholt made another captain, Matthias Gallas, his new colonel-lieutenant. In the end Truchseß had, owing to his bonds with his men and with his higher patron, the bishop, won out over Maximilian's inclination to satisfy Anholt and his client, Zollern.

In time, the longer they served without reimbursement, the more frequently officers objected to orders that might disrupt their commands and followings. Commanders stressed their proven loyalty, heavy investment and experienced soldiers to convince Maximilian he should keep their companies and regiments in service. By claiming strong lordship in their commands they tried to prove to Maximilian that they had shown their quality and built credit with their men, and that in dismissing them he would jeopardize his war effort.

⁵⁶ KuBay ÄA 2297 fol. 210, September 7, 1621, Maximilian to Tilly; KuBay ÄA 2297 fol. 175, August 31, 1621, Tilly to Maximilian.

⁵⁷ KuBay ÄA 2276 fol. 442, September 10, 1621, Truchseß to Maximilian.

Mischief and Infractions: Reputation, Violence and the Pressure for Support

Officers kept credit with their men not only by holding their commands intact, but by allowing mischief and leading the hunt for loot and booty, precisely as they had done during the previous year. Leaders used violent performances to defend their reputations, secure local control and show their men how well they could support them through spoils. In addition many permitted their men to engage in exorbitances and insolence against local subjects in an effort to pressure Maximilian into making good on their reimbursement. Commissioners reported their infractions, and the duke continued to insist they should enforce better regiment, but his efforts only provoked further resistance. Officers defended their command autonomy and relied on partisan methods to conduct the war without reimbursement from Maximilian's treasury.

Once Maximilian began to defer their reimbursement during the spring musters many officers started giving free rein to mischief in an effort to convince him to send more cash. Commanders insisted that Maximilian's commissariat had failed to provide for them or their men and they claimed they could not enforce good regiment until they received better support. They shielded their men from Maximilian's oversight and pressured commissioners into asking Maximilian, on their behalf, to grant their requests.

Gaisberg's captains, for example, claimed their recruits around Geiselhöring had gotten into mischief because commissioner Fatiga could not adequately satisfy them during the muster.⁵⁸ Fatiga had, in April, made arrangements with the duke's local

⁵⁸ Gaisberg discusses their claims, KuBay ÄA 2230 fol. 439-440, May 30, 1621, Gaisberg to Maximilian; KuBay ÄA 2230 fol. 443-444, June 6, 1621, Gaisberg to Maximilian.

Pfleger to provision the entire regiment through the region's service industries.⁵⁹ He first issued special monopoly patents to those butchers, inkeepers and others who put their names forward as potential vendors. Patents would grant them preferred access to mills and breweries like Reuttlinger's so they could sell goods to recruits. Maximilian soon decided to change his approach and instead had Fatiga issue a blanket victual ordinance to fix prices and food rations for the entire area to establish a well-regulated market.⁶⁰

Captains soon complained, however, that Fatiga had not issued them enough conduct money from the war chests, and their men, unable to pay for goods, had become unruly.⁶¹ Fatiga made billet visitations and found the recruits engaged in what he called "sportive" behavior, namely marksmanship competitions, bouts in arms, and brawls between men from rival companies over provocations like Meisl's.⁶² Mischief, in other words, intended to establish their quality as candidates, their standing as warriors and, between rivals, their captain's reputation.

Soldiers could expect similar sport at most musters no matter how well, or poorly, the duke supported them. Maximilian, on the other hand, considered their mischief unacceptable because it seemed to disrespect his new policies and the authority he exercised through his commissioners. Fatiga, for one, told Maximilian what he wanted to

⁵⁹ KuBay ÄA 2275 fol. 78-84, April 22, 1621, Fatiga to Maximilian.

⁶⁰ KuBay ÄA 2275 fol. 86-87, April 24, 1621, Maximilian to Fatiga.

⁶¹ Gaisberg discusses their complaints, KuBay ÄA 2230 fol. 439-440, May 30, 1621, Gaisberg to Maximilian; KuBay ÄA 2230 fol. 443-444, June 6, 1621, Gaisberg to Maximilian.

⁶² KuBay ÄA 2275 fol. 95-98, April 27, 1621, Fatiga to Eisenreich.

hear, and judged their conduct insolent toward the duke, damaging to good policy and dangerous to life and limb for soldiers and subjects alike.⁶³ Now that Maximilian expressed such concern over misbehavior officers found they could use their men's ordinary sport as leverage to press their demands. Fatiga could not persuade them to impose order and asked Maximilian for further instructions on how he might curb their mischief without help from commanders.⁶⁴

In reply Maximilian told Fatiga to bring the soldiers under his own territorial jurisdiction rather than leave discipline to the officers.⁶⁵ Fatiga should coordinate with the local *Landgericht* to set up a summary criminal court supervised by the *Pfleger* to punish soldiers' capital crimes. Maximilian's decision to encroach upon his officers' command autonomy and use territorial authorities to administer justice upon their men reflected a sharp, if brief, departure from military traditions. He emphasized that he expected Fatiga, like all his commissioners, to ensure that officers kept good regiment and prevented soldiers from harming the subjects.

Fatiga's measures, to the extent he may have implemented them, seem to have accomplished little to affect mischief around Geiselhöring, however. He noted that the recruits only observed good order once Hans Adam Wager treated with their captains and

⁶³ Ibid.

⁶⁴ Maximilian discusses Fatiga's earlier letters, KuBay ÄA 2275 fol. 92-94, April 29, 1621, Maximilian to Fatiga.

⁶⁵ Ibid.

asked them to remain patient for money on the duke's behalf.⁶⁶ Fatiga concluded that Maximilian's best remedy for misconduct should involve satisfying the officers' demands for more conduct money and reimbursement. In the meantime the Geiselhöring authorities asked Fatiga to billet the recruits in another town, Maximilian agreed and Fatiga, with palpable relief, transferred them to Behaim, with a reminder to Maximilian that he should send the officers more coin.⁶⁷

Officers continued to ignore commissioners and allowed similar mischief at other musters throughout the summer. Krazer, for example, denounced shooting competitions that consumed more than seven-hundred charges per day in the muster area under his supervision.⁶⁸ Heedless recruits caused many injuries, he reported, not only to one another, but also to bystanding subjects and expensive war horses and draft animals. Neither the colonels, nor the captains or any other officers showed the slightest inclination to restrain their behavior, and all ignored his requests that they enforce good regiment, he said.

Garzweiler, too, garnered no more cooperation from the officers under his supervision than had Krazer or Fatiga. In September he conducted his own visitations in response to complaints that the troops had engaged in robbery, cattle thievery and arson,

⁶⁶ KuBay ÄA 2275 fol. 99, May 5, 1621, Fatiga to Maximilian.

⁶⁷ KuBay ÄA 2275 fol. 107-108, June 24, 1621, Maximilian to Fatiga; KuBay ÄA 2275 fol. 109-111, June 27, 1621, Fatiga to Maximilian.

⁶⁸ KuBay ÄA 2275 fol. 139-140, August 24, 1621, Krazer to Maximilian.

but to no avail.⁶⁹ He explained to Maximilian that the duke employed too few commissioners to oversee so many companies. Those who tried in earnest to enforce compliance with Maximilian's policies put their lives in danger before the warriors' wrath. He recounted an incident that occurred the previous day when the *Rumormeister*, on his patrol, had himself gotten robbed at swordpoint by some musketeers who took his weapons and coin.⁷⁰

Most officers denied any direct involvement in lawless behavior and claimed they had done their best to keep good discipline. Colonel Herzelles, on the other hand, came closer to sending Maximilian a direct message.⁷¹ He told the duke's commissioners that he could not vouch for his men's behavior either at muster or on campaign unless Maximilian delivered better support and reimbursement than he had so far. Maximilian replied that he expected Herzelles to perform his duty as a colonel and keep good regiment.⁷² He and his riders had no reason to cause trouble, the duke continued, and he should under no circumstances allow his troops free license to do as they pleased. Maximilian nonetheless agreed to send a small consignment to help Herzelles with his expenses.

⁶⁹ KuBay ÄA 2275 fol. 178, September 21, 1621, Garzweiler to Maximilian.

⁷⁰ Ibid.

⁷¹ Maximilian discusses prior letters and reports, KuBay ÄA 2257 fol. 563, August 22, 1621, Maximilian to Herzelles.

⁷² KuBay ÄA 2257 fol. 563, August 22, 1621, Maximilian to Herzelles.

Officers themselves took liberty to engage in violent displays in order to defend their reputations from rivals and, perhaps, to attract new followers. Commissioner Krazer reported on duels, for instance, both with swords and with pistols, between rival officers, and between their clients, during the muster.⁷³ Few seem to have resulted in deaths and, according to Krazer, no incidents even got investigated, let alone punished. Those officers who did come under scrutiny usually answered only a few cursory questions before being released to resume their duties.

In more dangerous cases commissioners sometimes wondered whether they should do more to prevent violence among officers. Krazer, for example, reported on a pistol duel between two officers that took place near a munitions tent stacked with powder casks.⁷⁴ Each missed his mark, but one shot entered the tent, struck a full bandolier rack and, in Krazer's judgment, could have easily ignited the entire depot. Krazer expressed his dismay that Alexander Grotta, the General of the Artillery, made no effort to investigate or pursue the incident. He believed Grotta and other commanders intended to allow officers as much leeway as they liked in their confrontations. He asked Maximilian whether he should make sure crimes like these got punished more earnestly.

Officers sometimes escalated their disputes beyond simple duels and accused their rivals of dereliction. One sergeant, for example, leveled charges against captain Niclas

⁷³ KuBay ÄA 2275 fol. 145, September 3, 1621, Krazer to Maximilian.

⁷⁴ KuBay ÄA 2275 fol. 147, September 5, 1621, Krazer to Maximilian.

Becker and said that he had neglected his duties during the past months.⁷⁵ Becker in reply cited his own reputation, built over twenty-nine years' experience in war, and denounced the sergeant for insolence and falsehood. Becker's colonel brought the matter before the captain's peers on the regimental court, who found him innocent and confirmed him in his post.⁷⁶

Becker's accuser, not content to let the matter pass with an unfavorable result, pursued it further through violent means. Becker later claimed the sergeant broke into his billets and, according to the captain, broke open his trunks and chests, beat his wife and seven children nearly to death, and stole his belongings.⁷⁷ He felt the sergeant's actions had brought disgrace and ridicule upon his good name in the army. He asked Maximilian to show him favor, and grant him recompense to help offset the damage to his reputation and credit with his men.

Once the campaign got underway officers performed violent acts to show their men they could extract treasure and provisions for them from locals. In early May Mansfeld managed to escape Tilly's vanguard in Bohemia and pushed through the mountains into the Upper Palatinate.⁷⁸ He entrenched throughout the regions his parties had secured and blocked the approaches from Bohemia and Bavaria. Tilly established his headquarters just across the passes and began a prolonged, four-month effort to break

⁷⁵ KuBay ÄA 2261 fol. 674-676, November 22, 1621, Becker to Maximilian.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ On the campaign see Heilmann, *Kriegsgeschichte*, 91-107.

through Mansfeld's positions all along the mountain range. Mansfeld hoped he might get reinforcements from Frederick's erstwhile supporters in the Protestant Union to help repel League attacks.

Union leaders, on the other hand, sought only to defend what they called their traditional liberties, and declined to participate in Frederick's wider war effort to recover Bohemia from the Habsburgs. In May they brokered a peace agreement, the Treaty of Mainz, with Spain.⁷⁹ Union troops disbanded and, in exchange, Spinola promised that Spanish troops would leave Union members' lands alone. Left with no allies and little support, Mansfeld held periodic peace negotiations under false pretenses to ease the pressure. He struggled to hold Tilly back and keep his men provisioned as long as he could. If he could hold the Upper Palatinate until winter he might be able to strengthen his position for the coming year.

Ferdinand waited long into the summer for negotiations to run their course before he authorized Maximilian, in July, to wrest the Upper Palatinate from Mansfeld's grasp.⁸⁰ Maximilian left Munich for Straubing to join Gaisberg's and other regiments along the border. Not everyone had finished their musters, but the completed regiments would join Lindlo's to overrun the region, surround Mansfeld from the west and trap him against the mountains and Tilly's army.

⁷⁹ On the Treaty of Mainz see C.V. Wedgwood, *The Thirty Years War*, (London: Jonathan Cape, 1938), 135, and Wilson, *Europe's Tragedy*, 316-317.

⁸⁰ On the 1621 campaign see Heilmann, *Kriegsgeschichte*, 91-121; and Wilson, *Europe's Tragedy*, 332-333.

Mansfeld weighed his options and decided he would need to escape to fight on elsewhere, either east into Bohemia or west into Frederick's principal lands along the Rhine. He issued Maximilian a threat that he would move west and lay waste to Bamberg, Würzburg, and other League member bishoprics and abbeys in Franconia unless the duke withdrew Tilly's troops from Bohemia. Maximilian ignored him and instructed Bamberg to arm its local people to block Mansfeld's passage. He then crossed the Danube to begin the Upper Palatinate's reduction. His troops spent July, August and September fighting the same bitter town-by-town struggle they had faced in Austria and Bohemia while Mansfeld, meanwhile, looked for a way to extricate himself.

League commanders used fire and sword, once again, to overcome resistance once the invasion got underway.⁸¹ Their methods pushed back Mansfeld's troops, subdued his supporters and, perhaps most importantly, gave officers renewed occasion to lead their men in the hunt for loot and booty. Maximilian had hoped to restrain their behavior in the Upper Palatinate, but his efforts met with familiar disregard. Leaders craved further spoils not only to satisfy the soldiers, but to replenish their own coffers, as well, in substitute for the duke's elusive reimbursement. Regimental commissioners, largely court clerks, had proven valuable for bookkeeping and managing monies, but they otherwise lacked the standing to force seasoned warriors to forego their customary rewards.

⁸¹ Ibid.

Officers used persuasion, house arrest, kidnapping, ransom, and torture, among other tactics, to secure cooperation from local authorities, gain regional control and provide their men with treasure and supplies. Captain Hans Goldt, for instance, set an example for his men in the villages near Regensburg where his company had been stationed to keep the roads secure. He arrived one morning at a local parsonage with his lieutenant, his ensign and several other officers to establish his headquarters. He hoped the resident preacher, Melchior Mayer, could help him establish his company's firm control in the local community.⁸² Goldt placed Mayer under house arrest in his home and kept the headquarters under close guard. That way Goldt could just as easily hold Mayer hostage for leverage and ransom should the villagers prove uncooperative.

Mayer protested that he, a simple preacher, and the people under his care were too poor to provision Goldt's company for long.⁸³ Goldt nonetheless forced what supplies he could from them and then, once they began to run short, threatened more severe action unless they could come up with more. Mayer offered to speak to the villagers on Goldt's behalf, but evidently to no result.

In time Goldt decided to put Mayer to torture in order to compel the villagers to come forward with goods in ransom.⁸⁴ Goldt had the preacher beaten, whipped him with his own pistol, kicked him, and cut him with his spurs and sword. His officers fashioned

⁸² Mayer recounts the incident in his later grievance to Maximilian, KuBay ÄA 2302 fol. 1-3, October 8, 1621, Mayer to Maximilian.

⁸³ Ibid.

⁸⁴ Ibid.

a makeshift tourniquet, common during the war, from a rope wrapped around a barrel and fastened to a length of wood that, when twisted, tightened the rope around Mayer's neck. Before long the rope snapped, however, a miracle that Mayer later attributed to God's intervention. Goldt's men interpreted events in a more sinister light and saw sorcery at work. His ensign suggested they should tie a stone around Mayer's neck and throw him in the river.

In the end Goldt decided to keep Mayer hostage a while longer.⁸⁵ He shifted his company to a new position some time later and took the preacher with him, naked and in chains, so Mayer claimed. Some weeks later Mayer made contact with acquaintances in Regensburg who lent him money to ransom himself from his captors. Upon his recovery Mayer asked Maximilian that he and the villagers be compensated for the damages Goldt and his men had inflicted.⁸⁶

Maximilian expressed his regret at how his soldiers had treated Mayer.⁸⁷ He promised to have his commissioners investigate and make sure officers identified those individuals responsible, forced them to make appropriate restitution, then rendered exemplary punishment to deter future misconduct. In the meantime he asked Mayer to prepare a document for his commissioners that named his captors and described as much

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ KuBay ÄA 2302 fol. 5, October 19, 1621, Maximilian to Mayer.

about them as he could recall to aid in the investigation. Mayer penned a detailed letter that recounted the entire episode for the duke's officials.⁸⁸

Despite their reports and initiatives, however, Maximilian's commissioners seem to have seldom managed to prevent officers from using illegal violence to conduct their campaigns. By year's end they had driven Mansfeld from nearly all his positions in the Upper Palatinate and thereby proved, once again, how effective their partisan methods could be. In late October Mansfeld managed to break through the League's encirclement, then evacuated his remaining troops from the Upper Palatinate. He struck west for Frederick's principal lands on the Rhine, burned his way through League members in Franconia along his retreat, and arrived near Alsace by month's end to prepare the Palatinate's defense. In the Upper Palatinate Maximilian would try, one last time, to develop new methods whereby his commissioners and administration might ensure better regiment in the army.

Amberg Regime: Occupation, Good Policy and the Search for Discipline

In October, once he had secured control in the Upper Palatinate, Maximilian established a new occupation government in Amberg to handle grievances like Mayer's.⁸⁹ On its board he installed commissioners Herliberg, Haimhausen, Preysing and Rosenbusch to govern his name. He charged them to administer good policy, ensure peaceful rule, and

⁸⁸ KuBay ÄA 2302 fol. 37-40, October 20, 1621, Amberg Government to Maximilian.

⁸⁹ On Maximilian's occupation government see Albrecht, *Maximilian I*, 581-610.

enforce better regiment among those troops he left to garrison the principality. In an effort to reduce violence between soldiers and subjects he tried to hold officers personally accountable for infractions, he tried to disarm towns and nobles to minimize their resistance, and he tried to supply his garrisons through the provisions service to reduce their need for forage. His efforts met with no more success than before, however, and he soon abandoned them for lack of resources.

Maximilian sought at first to have his occupation government enforce the same disciplinary policies he had established in 1619 and 1620. In Mayer's case he instructed them to find captain Goldt, have him identify the men responsible, then force those men to make restitution to Mayer.⁹⁰ Goldt evaded responsibility in the same way other officers had, however, even though Mayer implicated him explicitly in criminal acts. Maximilian's commissioners themselves proved reluctant to hold the captain, or other officers, directly responsible for any violence against the subjects.⁹¹ Before long they had dropped the incident and seem to have declined to pursue it further.

Later that month Maximilian entertained the idea that colonels should answer personally for how their captains and soldiers behaved toward local people. He had Tilly summon the generals and colonels to a war council at Tilly's headquarters to announce the new policy.⁹² Tilly told them colonels would now, in theory, be expected to enforce

⁹⁰ Maximilian discusses his prior orders, KuBay ÄA 2302 fol. 43-44, November 13, 1621, Maximilian to Amberg Government, Colonel-Lieutenant von Weichst, and the Pfleger of Statt am Hof.

⁹¹ Maximilian discusses, *ibid.*

⁹² Tilly discusses the duke's orders, KuBay ÄA 2297 fol. 336-337, October 16, 1621, Tilly to Maximilian.

the duke's mandates on pain of losing their commands.⁹³ Soldiers caught on forage without passes from their colonels would be arrested and subjected to exemplary punishment. Maximilian sought in particular to weed out the many "lordless soldiers" (*herrlose Knechte*), roaming bandits who joined League parties to fight and participate in loot and booty, then left to prey upon the people.⁹⁴ In politically sensitive cases Maximilian ordered Tilly to make sure the General Provost pursued culprits and had them hanged before their entire regiments as examples.⁹⁵

Maximilian next tried to make sure hostile locals enjoyed less access to arms and fewer opportunities to give his men trouble. During the previous year his *Statthalter* in Upper Austria, count Herberstorff, had collected weapons from the subjects in order to cut down on local violence against his soldiers.⁹⁶ Maximilian decided he would try a similar program in the Upper Palatinate. In November he instructed his Amberg government to disarm the region's urban militia and castle garrisons. In the towns local officials confiscated citizens' weaponry, made out inventories and turned them over to the commissioners for safekeeping.⁹⁷ Nobles, once they submitted to League parties,

⁹³ Ibid.

⁹⁴ Tilly discusses the duke's orders, *ibid.*

⁹⁵ KuBay ÄA 2297 fol. 339, October 18, 1621, Maximilian to Tilly; KuBay ÄA 2297 fol. 353-354, October 21, 1621, Tilly to Maximilian.

⁹⁶ Herberstorff discusses the policy in Upper Austria, KuBay ÄA 2248 fol. 208-213, February 12, 1622, Herberstorff to Maximilian.

⁹⁷ Amberg commissioners discuss, KuBay ÄA 2302 fol. 45-52, November 9, 1621, Amberg Government; KuBay ÄA 2302 fol. 92-98, November 17, 1621, Amberg Government to Maximilian; KuBay ÄA 2302 fol. 60-61, November 19, 1621, Amberg Government to Maximilian.

surrendered their family armories, according to the commissioners' reports, and had their men turn weapons over to the captains and company quartermasters. Maximilian hoped his new policy would make subjects safer and give his own soldiers less occasion to retaliate against them.

City fathers, on the other hand, claimed Maximilian's policy would leave their people defenseless against marauders. Probably they meant not only lordless warriors and bandits, but the duke's own occupation troops as well. They pleaded with the Amberg government to let their militia remain armed. In reply Maximilian's commissioners explained that the duke had taken the Upper Palatinate under his protection. He intended no insult or enmity through his measures, but merely wished to provide for peace and orderly rule. Subjects had little to fear because League garrison troops had assumed responsibility for their defense.

Magistrates, likely skeptical, nonetheless began to comply. By mid-November the commissioners reported that they had taken most household and battle weapons from those men on the militia muster rolls and secured them in their central armory at Amberg.⁹⁸ Maximilian next tried to force the nobles and other landholders to submit to his rule by having them do him homage before his commissioners. He ordered the Amberg government to arrest those who refused to present themselves, then confiscate their estates. In subduing the towns and nobles the duke hoped to reduce any resistance his occupation forces might face.

⁹⁸ Amberg commissioners discuss, KuBay ÄA 2302 fol. 92-98, November 17, 1621, Amberg Government to Maximilian; KuBay ÄA 2302 fol. 60-61, November 19, 1621, Amberg Government to Maximilian.

Maximilian tried, also, to supply his garrison troops entirely through the provisions service.⁹⁹ He felt regular victuals would deny officers and soldiers their usual excuses to plunder from locals. Last year's campaign had so devastated local crops and trade that the Amberg commissioners could scrounge little and suggested, instead, that Maximilian send goods from his own lands instead. First he would shift his grain reserves and some cattle northward to his magazines along the Danube. His provisions service would then issue secret patents to grant supply contractors exclusive access to the magazines. Suppliers would establish staples in the Upper Palatinate, then transport or prepare bread, meat and beer for the troops. Sales they would charge to the duke on credit against soldiers' future wages so the troops would have little need for hard coin.

In the end, however, officials seem to have never carried the proposal forward.¹⁰⁰ During the winter, when Maximilian had his Amberg commissioners perform full musters for the garrison troops still present, he discovered that his commissariat remained nearly as underfunded and undermanned as it had been in February.¹⁰¹ Commissioners reported back that they lacked the coin and had too few commissioners present to perform the musters to good effect. Commissioner Burhus had to conduct all the musters himself, for the time being, without any assistance.

⁹⁹ Amberg commissioners discuss, KuBay ÄA 2302 fol. 92-98, November 17, 1621, Amberg Government to Maximilian; KuBay ÄA 2302 fol. 62, November 19, 1621, Amberg Government to Maximilian; KuBay ÄA 2302 fol. 155-160, November 24, 1621, Amberg Government to Maximilian.

¹⁰⁰ Maximilian and the Amberg commissioners discuss, KuBay ÄA 2302 fol. 57-58, November 19, 1621, Maximilian to Amberg Government; KuBay ÄA 2302 fol. 226-230, December 27, 1621, Amberg Government to Maximilian.

¹⁰¹ Ibid.

Maximilian's disarmament program, too, enjoyed limited success, and his colonels largely ignored the October orders.¹⁰² Soldiers in his occupation force continued their depredations unchecked. Maximilian threatened, on some occasions, to carry out his October mandate and remove colonels from command unless they enforced better regiment, but he seems to have never followed through. He decided he would need to secure cooperation from officers themselves if he hoped to improve their conduct toward local populations.

Concessions and Compromise: Maintenance, Restraint and Enlarged Commands

By year's end Maximilian had begun to reach an informal compromise with several officers that made continued investment more palatable to them. Officers tried, at first, to leverage Maximilian into granting their requests for reimbursement by refusing, almost outright, to enforce good regiment in their commands. In reply Maximilian impugned their quality as warriors and threatened to disband their commands unless they better respected his orders. Before long certain officers decided, during the winter months, to express their willingness to provide maintenance without reimbursement in exchange for enlarged commands so they could grow their followings. By early 1622 Maximilian had agreed to the idea, under the condition that they make sure to enforce his disciplinary policies in the future.

¹⁰² Ibid.

Maximilian's negotiations with colonel Johann Philipp Kratz von Scharfenstein, in particular, illustrate how the duke and his officers arrived at their tentative new arrangement.¹⁰³ Kratz and his men had been fighting Mansfeld's parties with Lindlo since early winter. His captains, like others under Lindlo's command, had been denied their reimbursement the entire time. Kratz tried to intercede for his captains Metternich and Bertram, for example, but met only with Maximilian's reassurances that they would see coin in the future.¹⁰⁴ In the meantime they turned to the usual raids and plunder to satisfy their men and make up the duke's shortfall. Local authorities seem to have lodged more complaints against Kratz's men than any other regiment throughout the campaign.

In his many reprimands Maximilian urged the colonel to keep better regiment in his command.¹⁰⁵ He appealed, first, to Kratz's loyalty and devotion by expressing his disappointment in the colonel who, he said, he had so far held in special favor and affection. Kratz should cease allowing his men free license, the duke said, bring them back into good devotion, and render exemplary punishment. In addition the duke warned he might deduct damage claims against Kratz and his captains from their future recompense should they continue to prey upon local populations. Maximilian's threat

¹⁰³ Negotiations took place throughout 1621, but concentrated in late fall and early winter, KuBay ÄA 2274 fol. 1, January 5, 1621, Maximilian to Kratz; KuBay ÄA 2311 fol. 5-6, April 17, 1621, Maximilian to Kratz; KuBay ÄA 2274 fol. 128-129, October, 1621, Kratz to Maximilian; KuBay ÄA 2274 fol. 131, November 8, 1621, Maximilian to Kratz; KuBay ÄA 2274 fol. 150, November 11, 1621, Kratz to Maximilian; KuBay ÄA 2274 fol. 152, November 11, 1621, Maximilian to Kratz; KuBay ÄA 2274 fol. 153-154, November 20, 1621, Maximilian to Kratz; KuBay ÄA 2274 fol. 155, November 23, 1621, Maximilian to Kratz; KuBay ÄA 2274 fol. 157-158, November 31, 1621, Kratz to Maximilian; KuBay ÄA 2311 fol. 13-14, December 30, 1621, Kratz to Maximilian.

¹⁰⁴ Maximilian discusses Kratz's requests, KuBay ÄA 2274 fol. 1, January 5, 1621, Maximilian to Kratz.

¹⁰⁵ KuBay ÄA 2311 fol. 5-6, April 17, 1621, Maximilian to Kratz.

suggested he might force officers to choose between ordinary reimbursement, on the one hand, and the hunt for spoils on the other.

Kratz nonetheless denied his involvement, like other officers, and made occasional overtures to show that he had been doing everything in his power to enforce Maximilian's orders.¹⁰⁶ He had made extensive inquiries, he insisted, but had found no culprits among his men, and felt they should not be held responsible for any infractions. In October, when Tilly announced the duke's mandate that officers should be held personally responsible, Kratz reportedly expressed special enthusiasm for the idea.¹⁰⁷ Maximilian told Kratz he would have liked to believe him, but he knew better, and had reports that the colonel had done little to stop his men from mistreating the subjects.¹⁰⁸ Later that month Maximilian received further grievances against the colonel's men.¹⁰⁹ Kratz insisted he would make inquiries, identify the culprits, force them to make restitution, then render exemplary punishment.¹¹⁰ In the end, however, he seems to have taken no action and the violence continued as usual.

Before long Maximilian allowed the local authorities to become involved, as he had before. Magistrates asked permission to participate in Kratz's investigation and send

¹⁰⁶ KuBay ÄA 2274 fol. 128-129, October, 1621, Kratz to Maximilian.

¹⁰⁷ Tilly describes Kratz's comments, KuBay ÄA 2297 fol. 336-337, October 16, 1621, Tilly to Maximilian.

¹⁰⁸ KuBay ÄA 2274 fol. 131, November 8, 1621, Maximilian to Kratz.

¹⁰⁹ Maximilian discusses the grievances, KuBay ÄA 2274 fol. 153-154, November 20, 1621, Maximilian to Kratz; KuBay ÄA 2274 fol. 155, November 23, 1621, Maximilian to Kratz.

¹¹⁰ KuBay ÄA 2274 fol. 157-158, November 31, 1621, Kratz to Maximilian.

eyewitnesses to his headquarters who could identify the culprits on sight.¹¹¹ Kratz refused, as most officers had done, unwilling to cede their command authority or lose control over how the proceedings would affect their followers. In time, when Kratz's investigation turned up no results, local authorities insisted that Maximilian hold the colonel's entire regiment collectively responsible. Kratz expressed outrage at the suggestion, not only because collective punishment constituted bad justice, but because those responsible could just as easily have been lordless soldiers, and not his own troops.¹¹² He asked Maximilian to assign a commissioner to investigate, perhaps knowing the duke could spare none. Kratz and his officers continued to resist involvement by outside authorities in their commands.

Before long Kratz saw an opportunity to use Maximilian's concern for good regiment as leverage to wrest concessions from him. First, early the following month, Kratz reported he had brought his troops back into good regiment and would ensure they treated the subjects with restraint.¹¹³ He intended his report to prove his willingness and his ability to enforce the duke order's to their fullest extent. Second, in the same letter, he asked that Maximilian reward his good service by granting him permission to enlarge his regiment so he might find more posts for his followers. His request carried an

¹¹¹ Kratz describes his interactions with the magistrates, KuBay ÄA 2274 fol. 128-129, October, 1621, Kratz to Maximilian.

¹¹² Ibid.

¹¹³ KuBay ÄA 2274 fol. 150, November 11, 1621, Kratz to Maximilian.

implicit message that the duke might not find Kratz's men so restrained in the future unless he rewarded the colonel's efforts with due recompense.

Maximilian, not to be so easily leveraged, responded to Kratz's letter with his own counter-proposal.¹¹⁴ He assured Kratz that he held the colonel's service in high regard, but he would not countenance enlarging his regiment unless he could keep his men from harming the subjects over a prolonged period. In addition he reminded the colonel that he had not yet found the culprits he had begun to seek in October, and should continue his search. In the future he might grant the colonel's request should he prove his continued devotion.

In reply Kratz followed through on his implied ultimatum and allowed his men to resume their search for spoils. Maximilian's Amberg government got complaints throughout November that Kratz's cavalry had continued to rob, plunder, injure and kill local subjects unchecked.¹¹⁵ Commissioners summoned the colonel back to Amberg to answer for his regiment's conduct in person.

Kratz took the opportunity to make his demands for recompense more explicit. He professed he had made every effort to restrain his men, but they had grown so disgusted with Maximilian's poor support that they had become ungovernable.¹¹⁶ Kratz hoped his men's conduct would not tarnish his good name or the service he had rendered,

¹¹⁴ KuBay ÄA 2274 fol. 131, November 8, 1621, Maximilian to Kratz; KuBay ÄA 2274 fol. 152, November 11, 1621, Maximilian to Kratz.

¹¹⁵ KuBay ÄA 2302 fol. 45-52, November 9, 1621, Amberg Government.

¹¹⁶ Amberg commissioners describe Kratz's claims, *ibid.*

but they would continue in their behavior until they received the pay arrears the duke owed them. Maximilian replied that Kratz would simply have to find ways to bring his men back into good order without further cash for the time being.¹¹⁷ He refused to allow Kratz to coerce reimbursement from him through mischief and illicit violence.

Kratz continued his mischief throughout the winter and repeatedly incurred Maximilian's further reprimand. In late November Truchseß, the bishop of Bamberg and Würzburg, lodged complaints against him.¹¹⁸ His riders had, the bishop claimed, brawled openly in both cities' streets and engaged in wanton rape without any effort from their commanders to put a stop to their crimes. Maximilian ordered Kratz to investigate, find the culprits and render exemplary punishment.¹¹⁹ He reminded him, again, that his charge as colonel required him to protect subjects in lands belonging to League members, not treat them as enemies.

Later that month, when Kratz showed no inclination to relent, Maximilian threatened to disband his regiment entirely.¹²⁰ He instructed commissioner Haimhausen to open negotiations with the colonel as though he intended to proceed with the disbandment as soon as possible.¹²¹ Haimhausen should tell Kratz that Maximilian felt

¹¹⁷ KuBay ÄA 2302 fol. 53-55, November 14, 1621, Maximilian to Amberg Government.

¹¹⁸ Maximilian describes the bishop's complaints, KuBay ÄA 2274 fol. 153-154, November 20, 1621, Maximilian to Kratz.

¹¹⁹ Ibid.

¹²⁰ KuBay ÄA 2274 fol. 155, November 23, 1621, Maximilian to Kratz

¹²¹ KuBay ÄA 2246 fol. 125-126, November 29, 1621, Maximilian to Haimhausen.

his regiment could no longer be trusted to fight well or render good service in the future. Soldiers who disrespected their colonel's authority and carried out crimes against subjects under the duke's protection would bring nothing but disrepute to Maximilian's name. He considered them ill-disciplined youths, not warriors, and could expect no more from them but further damages, Haimhausen should say.

Maximilian impugned Kratz's reputation in an effort to persuade him to enforce the duke's orders and stop trying to leverage concessions. He implied that commanders who failed to prevent their men from unsanctioned violence against subjects under the duke's protection performed poor service. He would judge their quality henceforth by how well they respected the duke's instructions and enforced his policies. Maximilian would allow Kratz to keep his regiment, Haimhausen should say, only if he promised to keep better regiment in the future.¹²²

Kratz protested, in reply, that he and his men had fought in a reputable and honorable manner since the war's beginning despite Maximilian's poor recompense for their service.¹²³ Local subjects had treated them with such hostility, however, and the duke had offered them such little support, that they had no choice but to forage and defend themselves from harm. Commissioners, on the other hand, indicated that Kratz simply allowed his men to take lodgings and provisions as they pleased without regard

¹²² KuBay ÄA 2246 fol. 125-126, November 29, 1621, Maximilian to Haimhausen.

¹²³ KuBay ÄA 2274 fol. 157-158, November 31, 1621, Kratz to Maximilian; KuBay ÄA 2311 fol. 13-14, December 30, 1621, Kratz to Maximilian.

for legalities or instructions to the contrary.¹²⁴ Kratz insisted, however, that his men, despite their ill-treatment at Maximilian's hand, nonetheless desired nothing more than to continue in the duke's service rather than be disbanded.¹²⁵

Soon after the new year Maximilian's Amberg regime summoned the colonel once again and challenged him to explain his regiment's behavior.¹²⁶ Kratz told them his men had become outraged that the duke would reward their long service with nothing but abrupt dismissal. He began to move them toward Donauwörth, ostensibly to prepare for disbandment, and declared that unless they received their full arrears they would mutiny and perhaps take their due directly from the Bavarian lands themselves.¹²⁷

In the meantime Kratz had raised the prospect that he might leave Maximilian's service for better opportunities elsewhere.¹²⁸ He told the duke he had opened negotiations with Ferdinand about the possibility that he might enter imperial service with a larger command. Ferdinand had, on Liechtenstein's recommendation, offered to contract with Kratz for an enormous 2,000 man cavalry regiment. Kratz assured Maximilian that he remained the duke's loyal servant and would prefer to continue in League service. Maximilian need only grant him some reimbursement and allow him to

¹²⁴ KuBay ÄA 2302 fol. 268-276, January 10, 1622, Amberg Government to Maximilian.

¹²⁵ KuBay ÄA 2311 fol. 13-14, December 30, 1621, Kratz to Maximilian.

¹²⁶ KuBay ÄA 2302 fol. 268-276, January 10, 1622, Amberg Government to Maximilian.

¹²⁷ Amberg commissioners describe his claims, KuBay ÄA 2302 fol. 268-276, January 10, 1622, Amberg Government to Maximilian.

¹²⁸ KuBay ÄA 2274 f 157-158, November 31, 1621, Kratz to Maximilian.

enlarge his regiment so he could find posts for his clients. In the event he did not, however, Kratz wanted to make sure he could bring his followers into new service in a reputable manner without bad talk attached to his name, he said.

By the time winter arrived Maximilian seems to have decided he had little choice but to grant Kratz the concessions he had demanded, at least in part.¹²⁹ He needed the colonel's resources, followers and leadership too much to risk losing him from League service. Mansfeld's strategy to delay Maximilian and wait for new allies had, in the long run, proven successful. Two new champions, prince Christian of Brunswick and margrave George Frederick of Baden-Durlach, soon declared for Frederick and began to assemble their own armies to join Mansfeld in the west.¹³⁰ Maximilian would need all his troops, Kratz's included, for yet another year's campaigns.

In November emperor Ferdinand authorized Maximilian to pursue Mansfeld into the Lower Palatinate. Tilly rounded up those troops not left behind for garrisons, marched west, and arrived in the Neckar valley within the week.¹³¹ He decided to secure the towns along the east bank, establish billets through the valley, and wait until spring to attack, rather than risk trying to dislodge Mansfeld from Alsace during the winter.

Mansfeld, for his part, decided against trying to defend Frederick's lands directly, as he had done over the past months.¹³² He would instead attack League members in the

¹²⁹ KuBay ÄA 2311 fol. 15-16, January 28, 1622, Maximilian to Kratz.

¹³⁰ See Wilson, *Europe's Tragedy*, 325-331.

¹³¹ Heilmann, *Kriegsgeschichte*, 91-121.

¹³² Ibid.

regions around Alsace in order to draw their troops away, take pressure off the Lower Palatinate and buy time for prince Christian and George Frederick to mobilize for the spring. Christian's troops could, on their way south, threaten Cologne's lands in Westphalia as well. Elector-archbishop Ferdinand of Cologne, Maximilian's brother, decided to raise another League field army to protect his territories. Maximilian awarded the new command to Anholt, bestowed upon him the title Field Marshal and ordered him to march for Cologne with several veteran regiments.¹³³

In December Maximilian asked Tilly and his Amberg commissioners to assess the army's overall condition for the coming year. Tilly felt Maximilian should strengthen the army with even more recruits, cavalry in particular, who he could use to harass and disrupt Mansfeld's recruitment efforts.¹³⁴ He warned, however, that Maximilian's inability to deliver enough money had seriously damaged his reputation among the officers and troops.¹³⁵ In the future the duke should send more convoys to restore his good name and boost the men's eagerness to fight for him.

Maximilian on the other hand knew he could not spare enough funds to meet the army's demands. In early 1622 Maximilian summoned Kratz to an audience at court to work out their new arrangement.¹³⁶ He would allow Kratz to enlarge his regiment, as

¹³³ See Wilson, *Europe's Tragedy*, 332.

¹³⁴ KuBay ÄA 2314 fol. 9-11, December 31, 1621, Tilly to Maximilian.

¹³⁵ KuBay ÄA 2297 fol. 518-521, December 16, 1621, Tilly to Maximilian.

¹³⁶ KuBay ÄA 2274 fol. 162, January 16, 1622, Maximilian to Kratz; KuBay ÄA 2311 fol. 15-16. January 28, 1622, Maximilian to Kratz; KuBay ÄA 2311 fol. 23-24, March 10, 1622, Maximilian to Kratz; KuBay ÄA 2311 fol. 27-28, March 24, 1622, Maximilian to Kratz.

requested, and would send partial reimbursement to help the colonel with his present expenses. In exchange Kratz would continue to support his men through open-table maintenance, on his own account, until funds could be found to recoup his costs in the future. He would also keep better regiment in his command and improve his men's relations with subjects under the duke's protection.

Maximilian would prove more willing, in time, to abandon his insistence on good regiment in order to keep his officers and men satisfied in his service. He would rely increasingly upon their continued investment and forbearance as the war dragged on, as his arrears grew, and as he rebuilt, maintained and enlarged the army from campaign to campaign.

Conclusion

Maximilian had begun 1621 in the hope that he could better pay, supply and reimburse his troops in the Upper Palatinate than he had in Austria and Bohemia. He created the General War Commissariat to extend the War Council's reach and lay claim to his prerogatives over the army's material needs. Regimental commissioners would exercise his control and supervise officers to make sure they adhered to his instructions and policies. Regular cash and supply would, when paired with strict oversight, offer his warriors fewer occasions for mischief, unlawful violence and mistreatment toward local subjects, he hoped.

Officers nonetheless found Maximilian's administration unreliable from the campaign's outset and continued to support the troops largely on their own. Once

Maximilian began to defer their reimbursement into the future they resumed the hunt for loot and booty, as before, to show they could provide for their men, and to replenish their own coffers with spoils. Many asked Maximilian to send more commissioners who could record their expenses and dispense reimbursement, but the duke employed too few to keep all the books, let alone force officers in the field to restrain their men or deny them plunder. On campaign and during muster his commanders used mischief, duels, raids and other violent displays to prove their quality and broaden their reputations, despite the duke's policies to the contrary.

Maximilian sought new ways throughout the year to coerce officers into enforcing better regiment among their soldiers. He tried to hold colonels accountable for their men's conduct and, sometimes, threatened to deny them recompense or disband their regiments entirely, in punishment. In response colonels and captains gave their soldiers broader latitude for mischief and plunder, or threatened mutiny, to force Maximilian into hearing their demands. Most frequently they asked for more reimbursement, or tried to prevent the duke from reforming or disbanding their commands, in order to keep their followers together and satisfied. Bonds between officers, their higher patrons and soldiers restricted Maximilian's ability to replace or dismiss officers without alienating their men and supporters. He depended too much on their investment, influence and leadership to drive them away.

In the end Maximilian had to moderate his concern for discipline in order to give his officers and soldiers room to maintain their customary relationships. By the time Gaisberg's muster took place in spring, 1621, soldiers like Georg Meisl may have felt the

same frustration he expressed toward the duke and his policies. In Reuttlinger's tavern he gave voice to the perception that Maximilian had failed to respect, and sometimes tried to abrogate or alter their time-honored warrior culture. His poor recompense and his efforts to enforce strict discipline had, in time, begun to limit the means officers could employ to satisfy their men.

By November, however, League warriors had reasserted their prerogatives and, in part, regained their liberty to exercise lordship in their commands and the practices that established bonds with their men. In 1622 Maximilian's war effort would place even greater pressure on both Maximilian and his officers, strains that would bring his army into crisis.

CHAPTER 3: CRISIS AND INVESTMENT, 1622

In November, 1621, with the Upper Palatinate secured and Tilly billeted on the Neckar, Maximilian returned to Munich to attend his court and state councils. He would conduct the war from his desk for the next eleven years.¹ Through the Privy Council he handled diplomatic and strategic decisions, through the War Council he managed the army's finances and administration, and through the General Chancery he kept good correspondence with Tilly and other officers. Only in 1632, when Gustav Adolf overran Bavaria, would he again take the field.

Over the winter Tilly urged Maximilian to commit his available funds toward strengthening the army for the coming year's advance into the Lower Palatinate.² English volunteers already held Frederick's three principal fortresses at Heidelberg, Mannheim and Frankenthal. With their support, Mansfeld had spread men all across the region to hinder any incursions. He held his main force in Alsace, on the Rhine's west bank, to await two fresh armies on their way to reinforce him, one under Durlach, the other under prince Christian of Brunswick, who gathered recruits as he plundered his way south through Hessen.³

In order to delay Christian's progress Tilly had Anholt take several regiments into the Odenwald to grapple with the rebels throughout the winter months. He sent a few

¹ See Dieter Albrecht, *Maximilian I. von Bayern 1573-1651* (Munich: R. Oldenbourg, 1998), 611-640.

² KuBay ÄA 2297 fol. 518-521, December 16, 1621, Tilly to Maximilian; KuBay ÄA 2314 fol. 9-11, December 31, 1621, Tilly to Maximilian.

³ On the campaign's early months see Johann Heilmann, *Kriegsgeschichte von Bayern, Franken, Pfalz, und Schwaben von 1506-1651*, vol.1 (Munich: J.G. Gotta, 1868), 122-128.

thousand more troops south to help archduke Leopold's men guard Habsburg Alsace against Durlach. Between garrisons and detachments Tilly felt he had barely enough men left in the main army to secure the Neckar valley, let alone advance, dislodge Mansfeld, defeat two new armies, and capture three first-rate fortresses in the Palatinate.⁴ He might hope for some help from general Córdoba, who occupied Frederick's lands on the west bank for Spain, but Córdoba had been sent to keep the Spanish road open to the Netherlands, not to assist the League.⁵ Tilly sought veteran horsemen in particular, who played an important role in partisan warfare and had come into high demand over the past few years.⁶

Officials on the duke's Privy and War councils agreed with Tilly's assessment and backed his request for more soldiers.⁷ Maximilian gave his reluctant consent, authorized his commanders to replenish their ranks with fresh recruits, and commissioned several new regiments to participate in the coming campaigns. Recent struggles over reimbursement had shown him, however, that he could scarcely hope to marshal enough funds to support the regiments already under arms, let alone new ones. Maximilian

⁴ Tilly discusses, KuBay ÄA 2314 fol. 9-11, December 31, 1621, Tilly to Maximilian; KuBay ÄA 2297 fol. 518-521, December 16, 1621, Tilly to Maximilian; KuBay ÄA 2314 fol. 109-112, January 15, 1622, Tilly to Maximilian.

⁵ Peter H. Wilson, *Europe's Tragedy: A History of the Thirty Years War*, (London: Penguin, 2009), 332-339.

⁶ Tilly discusses, KuBay ÄA 2314 fol. 9-11, December 31, 1621, Tilly to Maximilian; KuBay ÄA 2297 fol. 518-521, December 16, 1621, Tilly to Maximilian; KuBay ÄA 2314 fol. 109-112, January 15, 1622, Tilly to Maximilian.

⁷ On Maximilian, his councils and their considerations see Albrecht, *Maximilian I*, 558-560; and Wilson, *Europe's Tragedy*, 332-333.

seems to have decided, with his councilors, that in the coming year he would propose similar bargains to those he had pioneered the previous fall. He would try to persuade commanders to maintain their men through long-term investment, as a matter of policy, in exchange for guaranteed, enlarged, and long-standing commands.

Maximilian's officers, on the other hand, bitterly resisted his investment policy throughout the 1622 campaigns. Shortly after the new year, before the fighting got underway, they brought both Tilly's and Anholt's field armies to the brink of mutiny to press their demands for reimbursement. Commanders flouted the duke's disciplinary mandates, as they had done in previous years, and they used illegal pillage, plunder and extortion in both neutral and friendly lands to satisfy their soldiers, recoup their expenses, and put pressure on Maximilian to deliver more support.

In the process, however, officers used their potential cooperation as leverage to win back the second lordly prerogative that Maximilian had tried to abrogate since 1619, namely the hunt for loot and booty. Maximilian had, in 1621, already conceded their first prerogative, open-table maintenance, because he needed them to fund their own men as they awaited reimbursement from his treasury. In 1622 most commanders showed themselves willing, once again, to shoulder continued expenses on the duke's behalf, so long as he relaxed his calls for "good regiment" toward local populations and allowed them to conduct partisan warfare as they saw fit.

Maximilian refused, at first, to compromise on discipline, and he condemned illegal violence during his earliest negotiations in the winter and spring. He instead promoted investment as his new standard for quality, loyalty, and good service from his

officers, and he tried to discredit “mischief” and plunder by describing it as a blot on their reputations. In order to avoid potential mutiny he sent special negotiators to Tilly’s and Anholt’s headquarters to treat with his commanders and reach new accommodations with them for long-term investment. He promised investors favor, gifts and future rewards, particularly from the emperor, should they cooperate, and he appealed to their loyalty, affection and devotion to emperor and empire, on whose behalf Maximilian maintained the League army.

In the meantime Maximilian tried to compel reluctant officers to invest, first by forcing them to fund their own recruitment costs, then by deferring repayment indefinitely except in the most pressing strategic circumstances. In addition he favored for new appointments those colonels and captains who agreed beforehand to cover their own recruitment and upkeep costs indefinitely without help from his treasury. Many officers began to invest their wealth outright, that is, beyond the sums they might otherwise expect in reimbursement, in order to compete for fresh recruits and to re-arm and refit their commands. Officers who commanded wealth, large followings and strong local power bases enjoyed considerable advantages in securing commissions.

Most officers continued to resist, however, and claimed the duke’s refusal to reimburse them threatened their reputations and credit among the troops. During their recruitment efforts in Bohemia, in particular, commanders faced harassment from enemy parties, hostile locals, and Wallenstein’s rival imperial troops that delayed their musters and forced them to undertake extraordinary expenses to keep their men together. Not

only officers, but also the duke's own commissioners urged him to either send more support, or turn a blind eye to illegal spoils and violence so as not to endanger the muster.

Maximilian sometimes agreed to their requests and sent limited funds to reimburse them, but by the end of 1622 he consistently refused and forced them to make do without his help. In return, however, he largely ceased his efforts to restrict their search for spoils through partisan warfare. By year's end Maximilian had, in effect, conceded his officers each of the two lordly prerogatives they had originally sought to defend, namely open-table maintenance and the hunt for loot and booty. Officers, in turn, began to set aside their objections and committed themselves to ongoing investment in their commands.

League commanders, in agreeing to finance their own troops, enabled Maximilian to keep the army in being and thereby exercise lordship within the imperial state as commissioner. Maximilian, for his part, enabled officers to practice lordship within their commands when he ceded them their lordly prerogatives. His investment policy further strengthened their lordship because it conferred clearer advantages upon those who commanded wealth, large clienteles, and strong local influence. In abandoning his efforts to enforce good regiment, however, Maximilian opened himself to repeated criticism from neutral parties whose lands his armies ravaged, precisely the situation he had hoped to avoid since 1619.

Reluctant Investors: Recruitment, Competition, and Service Terms in the Cavalry

Maximilian worked out his earliest investment bargains that winter, first with Kratz, then among his other cavalry commanders, as he haggled with them over their recruitment costs and service terms. In order to compete for recruits many officers found themselves forced to spend their own wealth beyond any reimbursement they could expect from the duke's treasury. Most proved reluctant, at first, and asked Maximilian to subsidize their expenses, but the duke refused, and thereby compelled them to invest outright in their commands. In response to Tilly's request for more cavalry Maximilian commissioned several new colonels, as well, on the understanding that they would support their own men indefinitely until funds became available to help them. Officers both new and old decided to leverage their investment and, like Kratz before them, convinced Maximilian to grant them larger commands than he might otherwise have offered.

Nicola de Fours, for instance, an imperial colonel, approached Herberstorff in January to discuss bringing his horsemen into League service over the winter.⁸ Ferdinand had recently made peace with Bethlen and, with the rebels quiet for the time being,

⁸ Negotiations took place in an extensive correspondence from January through early April, 1622, KuBay ÄA 2258 fol. 402, January 19, 1622, De Fours to Maximilian; KuBay ÄA 2258 fol. 408, January 26, 1622, De Fours to Maximilian; KuBay ÄA 2258 fol. 404-405, February 4, 1622, Maximilian to De Fours; KuBay ÄA 2248 fol. 187-188, February 10, 1622, De Fours to Maximilian; KuBay ÄA 2258 fol. 413-414, February 11, 1622, De Fours to Maximilian; KuBay ÄA 2258 fol. 411-412, February 12, 1622, Maximilian to De Fours; KuBay ÄA 2248 fol. 232-233, February 13, 1622, Herberstorff to Maximilian; KuBay ÄA 2248 fol. 189-190, February 14, 1622, De Fours to Maximilian; KuBay ÄA 2248 fol. 202-206, February 14, 1622, Maximilian to Herberstorff; KuBay ÄA 2248 fol. 229-231, February 17, 1622, Maximilian to Herberstorff; KuBay ÄA 2248 fol. 271-272, March 2, 1622, De Fours to Herberstorff; KuBay ÄA 2248 fol. 273-275, De Fours to Maximilian; KuBay ÄA 2248 fol. 270, March 5, 1622, Herberstorff to Maximilian; KuBay ÄA 2248 fol. 286, March 12, 1622, De Fours to Herberstorff; KuBay ÄA 2248 fol. 267-269, March 14, 1622, Maximilian to Herberstorff; KuBay ÄA 2248 fol. 292-294, March 21, 1622, Maximilian to Herberstorff; KuBay ÄA 2248 fol. 313-314, April 8, 1622, De Fours to Herberstorff.

decided to release de Fours and several other regiments so he could catch up on his debts. In order to strengthen his bargaining position de Fours promoted his proven loyalty, his quality, his reputation among soldiers, and his willingness to maintain troops at his own expense throughout his tenure.

De Fours stressed, first, his continued devotion to the House of Austria and his affinity toward the empire's other great Catholic houses. He and his men held special affection for the House of Bavaria, he claimed, and desired to enter Maximilian's service above all Austria's other allies, if they could reach a suitable arrangement.⁹ He had even sought Bavarian service once before, in 1603, when he obtained a recommendation from Hermann Russwurm, the imperial field marshal who Maximilian had entertained for his general-lieutenant post before he commissioned Tilly.¹⁰

Over nearly thirty years' service to the Habsburgs, de Fours continued, he had accrued fame, reputation, and a large following of seasoned warriors he could bring into the duke's service.¹¹ He had enough good leaders on hand that he could muster his regiment within three months, he claimed, and keep it continuously filled with soldiers from as far as Italy, in particular Savoy. In addition he promised to support them on his own account until the duke could gather funds to reimburse him in the future.¹²

⁹ KuBay ÄA 2248 fol. 187-188, February 10, 1622, De Fours to Maximilian.

¹⁰ KuBay ÄA 2258 fol. 402, January 19, 1622, De Fours to Maximilian.

¹¹ KuBay ÄA 2258 fol. 408, January 26, 1622, De Fours to Maximilian.

¹² De Fours discusses, KuBay ÄA 2258 fol. 420-421, February 10, 1622, De Fours to Maximilian; KuBay ÄA 2258 fol. 413-414, February 11, 1622, De Fours to Maximilian.

Maximilian agreed at once to negotiate with de Fours on terms for his possible commission.¹³ Herberstorff would, first, offer the colonel a demi-regiment with six companies to accommodate his men.¹⁴ De Fours hesitated to accept such a small command, however, and asked instead for an enlarged regiment with twelve companies rather than only six or ten.¹⁵ He explained that he already commanded a full ten-company regiment in the Habsburg armies. In addition he had recently gained new followers from other disbanded regiments who sought his patronage and expected him to find them posts. He felt he could not satisfy them with only six companies, and he would lose his credit, as he called it, should he let them down.¹⁶

Negotiations continued from January through early April as de Fours bargained with Maximilian for an enlarged regiment. He still wished to serve Bavaria above all other Catholic warlords, he insisted, but he also sought advancement, as any true cavalier should.¹⁷ His reduced regiment would, to the contrary, suggest disfavor and, being smaller than his previous command, would disappoint his followers and tarnish his

¹³ KuBay ÄA 2258 fol. 400-401, January 30, 1622, Maximilian to De Fours; KuBay ÄA 2258 fol. 404-405, February 4, 1622, Maximilian to De Fours.

¹⁴ Maximilian's instructions to Herberstorff, KuBay ÄA 2248 fol. 229-231, February 17, 1622, Maximilian to Herberstorff.

¹⁵ De Fours discusses his requests, KuBay ÄA 2258 fol. 420-421, February 10, 1622, De Fours to Maximilian; KuBay ÄA 2248 fol. 313-314, April 8, 1622, De Fours to Herberstorff.

¹⁶ De Fours expresses his concerns, KuBay ÄA 2248 fol. 189-190, February 14, 1622, De Fours to Maximilian; KuBay ÄA 2258 fol. 437-439, April 11, 1622, De Fours to Maximilian.

¹⁷ De Fours expresses his claims, KuBay ÄA 2258 fol. 420-421, February 10, 1622, De Fours to Maximilian; KuBay ÄA 2258 fol. 413-414, February 11, 1622, De Fours to Maximilian.

reputation. Herberstorff urged Maximilian to accept de Fours' terms.¹⁸ He knew the colonel had received other offers and believed him unlikely to accept Maximilian's.

Maximilian meanwhile tried to persuade de Fours into taking the demi-regiment as offered.¹⁹ He assured the colonel he held him in special affection, not disfavor, and that he would incur no injury to his honor or reputation by accepting the smaller command in League service. He would gladly have granted de Fours a full regiment, he continued, but for the future expense. In the meantime other officers stepped forward as viable candidates who would gladly accept the regiment in his stead.²⁰

De Fours nonetheless remained adamant and Maximilian, in the end, conceded to his terms.²¹ He not only granted the colonel an enlarged regiment with twelve companies, he also authorized him to increase his own first company, and doubled his usual allotment for *Intretenierte* at his headquarters.²² He told de Fours he had agreed in order to bolster the colonel's reputation and guarantee his advancement in League service. In exchange, de Fours, like Kratz, would maintain his own men on the duke's behalf.

¹⁸ Herberstorff discusses his own and de Fours' concerns, KuBay ÄA 2248 fol. 232-233, February 13, 1622, Herberstorff to Maximilian.

¹⁹ Maximilian discusses with both de Fours and Herberstorff, KuBay ÄA 2258 fol. 404-405, February 4, 1622, Maximilian to De Fours; KuBay ÄA 2258 fol. 411-412, February 12, 1622, Maximilian to De Fours; KuBay ÄA 2248 fol. 229-231, February 17, 1622, Maximilian to Herberstorff.

²⁰ Herberstorff discusses them, KuBay ÄA 2248 fol. 232-233, February 13, 1622, Herberstorff to Maximilian.

²¹ Maximilian describes concessions, KuBay ÄA 2248 fol. 202-206, February 14, 1622, Maximilian to Herberstorff; KuBay ÄA 2248 fol. 292-294, March 21, 1622, Maximilian to Herberstorff.

²² Ibid.

Maximilian tried to convince long-serving officers, as well, to recruit fresh troops at their own expense rather than ask for reimbursement from his treasury. He pursued this policy most aggressively, at first, in response to Tilly's request for light cavalry who, alongside the heavy horsemen, could lend the army an edge in partisan efforts. Maximilian told several colonels, among them Herberstorff and Lorenzo del Maestro, to find the best Croat horsemen available along the Styrian borderlands.²³

Herberstorff decided he would send for experienced light cavalry captains he knew in Styria, Moravia and Silesia and ask them to gather horsemen for several new companies under his command.²⁴ His captains soon found, however, that the Croats had raised their going enlistment bounties in response to the high demand for veteran cavalry. Rather than the region's customary twenty-five guilder bounties the Croats now demanded thirty guilders per head.

Herberstorff asked Maximilian to formally authorize his captains to offer higher bounties in response.²⁵ Unless they obtained Maximilian's approval they could not expect future reimbursement for the extra five guilders. In earlier years Maximilian had sometimes agreed to authorize them, when necessary, to help them draw recruits. Lindlo,

²³ Discussions between Maximilian, Herberstorff and del Maestro took place in January and February, 1622, KuBay ÄA 2248 fol. 148-150, January 16, 1622, Herberstorff to Maximilian; KuBay ÄA 2308 fol. 313-314, January 8, 1622, Maximilian to Del Maestro; KuBay ÄA 2308 fol. 317-319, January 21, 1622, Maximilian to Del Maestro; KuBay ÄA 2248 fol. 165-167, January 24, 1622, Herberstorff to Maximilian; KuBay ÄA 2248 fol. 202-206, February 14, 1622, Maximilian to Herberstorff; KuBay ÄA 2248 fol. 198, February 16, 1622, Herberstorff to Maximilian; KuBay ÄA 2308 fol. 330-331, February 24, 1622, Maximilian to Del Maestro.

²⁴ Herberstorff discusses, KuBay ÄA 2248 fol. 148-150, January 16, 1622, Herberstorff to Maximilian.

²⁵ KuBay ÄA 2248 fol. 148-150, January 16, 1622, Herberstorff to Maximilian; KuBay ÄA 2248 fol. 165-167, January 24, 1622, Herberstorff to Maximilian.

for example, had noticed bounties starting to ratchet higher the previous spring during his efforts to suppress Mansfeld's recruiters in the Upper Palatinate.²⁶ In Herberstorff's case Maximilian once again agreed, albeit reluctantly, and permitted him to offer thirty guilder bounties to ensure he drew good light cavalymen where he could find them.²⁷

Soon competition drove bounty rates even higher than Maximilian and Herberstorff had negotiated. Del Maestro, for one, had his captains offer as high as forty guilders per head to try to out-recruit their rivals.²⁸ Herberstorff believed del Maestro's men had built such good names for themselves that recruits would ride to muster on their good word alone and expect to receive coin upon arrival.²⁹ Rather than ask Maximilian for authorization, however, del Maestro's captains spent the extra ten guilders entirely from their own private wealth. Herberstorff and his own captains, on the other hand, proved far less prepared to invest outright and instead asked Maximilian to raise their authorized bounties to match del Maestro's.³⁰

By this time, however, Maximilian had realized that del Maestro's initiative afforded him an unprecedented opportunity to convince his other officers to invest their wealth outright. Maximilian refused Herberstorff's request and instead granted del

²⁶ Lindlo discusses, KuBay ÄA 2276 fol. 110-111, January 27, 1621, Lindlo to Maximilian.

²⁷ KuBay ÄA 2248 fol. 202-206, February 14, 1622, Maximilian to Herberstorff.

²⁸ Maximilian and Herberstorff discuss, KuBay ÄA 2308 fol. 313-314, January 8, 1622, Maximilian to Del Maestro; KuBay ÄA 2308 fol. 317-319, January 21, 1622, Maximilian to Del Maestro; KuBay ÄA 2248 fol. 198, February 16, 1622, Herberstorff to Maximilian.

²⁹ KuBay ÄA 2248 fol. 148-150, January 16, 1622, Herberstorff to Maximilian.

³⁰ Herberstorff discusses, KuBay ÄA 2248 fol. 165-167, January 24, 1622, Herberstorff to Maximilian; KuBay ÄA 2248 fol. 208-213, February 12, 1622, Herberstorff to Maximilian.

Maestro explicit permission to raise bounties at his own expense.³¹ His endorsement, and his refusal to reimburse Herberstorff, would set an example for other commanders and show them that he would henceforth expect investment, even when they had not formally agreed to the new arrangement.

Herberstorff and his captains nonetheless remained unwilling to match del Maestro's bounties on their own. Herberstorff instead began to treat with established light cavalry colonels who, like de Fours, might offer to bring their entire followings into service and save him the trouble and expense. His top candidate, lieutenant-colonel Terschiten, had served the House of Austria since the Long War and counted many Croat horsemen among his followers.³² He had recently been declined advancement in the Habsburg armies despite his long, loyal service, Herberstorff said, and felt inclined to leave over the insult. Should Maximilian commission him for the regiment he could summon at least 1,000 Croats in short order. Herberstorff recommended that Maximilian take Terschiten into service.

Maximilian declined to engage Terschiten, however, perhaps because Terschiten, as Herberstorff reluctantly admitted, could not support his own men without reimbursement.³³ In the end Herberstorff did acquiesce and managed to convince his

³¹ KuBay ÄA 2308 fol. 317-319, January 21, 1622, Maximilian to Del Maestro; KuBay ÄA 2248 fol. 202-206, February 14, 1622, Maximilian to Herberstorff; KuBay ÄA 2308 fol. 330-331, February 24, 1622, Maximilian to Del Maestro.

³² Herberstorff discusses, KuBay ÄA 2248 fol. 208-213, February 12, 1622, Herberstorff to Maximilian.

³³ KuBay ÄA 2248 fol. 202-206, February 14, 1622, Maximilian to Herberstorff.

captains to match del Maestro's bounties.³⁴ Not to be outdone del Maestro raised his own in response until rates reached as high as sixty guilders in some instances, double the thirty-guilder rates Maximilian had authorized.³⁵ Colonels and captains competed everywhere over who could offer the best rates to attract good candidates. In the process Maximilian convinced them, unwittingly, to accede to his new investment policy.

Some officers who could not invest, or who refused to participate in the new arrangement, soon found themselves without commands. Colonel Herberstain, for example, explained how the Bohemian rebels had burned his estates in retaliation for his continued loyalty and service to the Habsburgs.³⁶ Funds he might have otherwise contributed to the war effort had gone instead to reconstruct his own lands. In recompense for his lost incomes he asked that Maximilian authorize him for reimbursement so potential recruits would esteem him as highly as they did the other colonels. Otherwise, he feared, he and his captains could not recruit 1,000 horsemen at more than forty guilders per head on their own. Herberstain still tried to meet his contract terms, but his recruitment dragged late into the summer and he failed to draw

³⁴ Herberstorff discusses, KuBay ÄA 2248 fol. 208-213, February 12, 1622, Herberstorff to Maximilian.

³⁵ Ibid.

³⁶ Herberstain discusses, KuBay ÄA 2257 fol. 505-506, June 8, 1622, Herberstain to Maximilian; KuBay ÄA 2257 fol. 515, June 20, 1622, Herberstain to Maximilian; KuBay ÄA 2257 fol. 535-536, 1622, Herberstain to Maximilian; KuBay ÄA 2257 fol. 537, 1622, Herberstain to Maximilian.

enough recruits.³⁷ Maximilian refused his requests, as he had Herberstorff's, and in the end told him to cease further efforts and disband his regiment.³⁸

In other circumstances, however, Maximilian still considered engaging particularly renowned officers under ordinary reimbursement terms. Often they offered so many veterans, or strong enough reputations, that they represented a good investment for the duke's limited resources. In mid-February Martin Konrad von Eib, for example, a marshal in the Teutonic Order, showed up at Tilly's headquarters with several captains and offered to bring his regiment into service.³⁹ He held seven-hundred horsemen ready in the regions around Nuremberg, he explained, and could muster them within three weeks should the duke commission him.

Tilly felt Eib's men ranked among the best cavalry in the realm and urged Maximilian to take his offer.⁴⁰ He should under no circumstances expect them to pay their own way, however. Maximilian should instead present Eib's captains with gifts, Tilly advised, in consideration for the esteem and honor they commanded and, if possible, some advance pay, so they might remain in League service to attract recruits in the future.

³⁷ Ibid.

³⁸ KuBay ÄA 2257 fol. 509-511, June 8, 1622, Maximilian to Herberstain; KuBay ÄA 2257 fol. 533-534, August 3, 1622, Maximilian to Herberstain.

³⁹ Tilly discusses his interactions with Herberstain, KuBay ÄA 2314 fol. 220-224, February 13, 1622, Tilly to Maximilian.

⁴⁰ Ibid.

Most new officers, less renowned than Eib, seem to have resigned themselves to paying their own recruitment costs so they could meet their contract terms. Herberstorff believed the entire process would have fallen apart had officers not offered their own wealth and drawn upon each other's informal lending networks.⁴¹ He praised de Fours in particular who, per his agreement with Maximilian, found his own means to raise and support his regiment.

Maximilian continued throughout the year to deny officers their reimbursement and hoped, in the process, to establish investment as his new standard for service in the League army. Many commanders could ill-afford the heavy burdens, however, and continued to resist the duke's coercion. Even de Fours began to ask for reimbursement despite his earlier agreement, and pressed throughout his service for the duke to repay him for his contributions by adding further companies to his command.⁴² Before long, however, during the early months of 1622, Maximilian's policy would provoke crisis throughout his armies.

⁴¹ Herberstorff discusses, KuBay ÄA 2248 fol. 285, March 17, 1622, Herberstorff to Maximilian.

⁴² Negotiations between Maximilian and de Fours continued into 1624, KuBay ÄA 2258 fol. 489, August 26, 1622, De Fours to Maximilian; KuBay ÄA 2258 fol. 490, October 16, 1622, De Fours to Maximilian; KuBay ÄA 2258 fol. 491-493, October 26, 1622, De Fours to Maximilian; KuBay ÄA 2258 fol. 504-505, December 18, 1623, Maximilian to De Fours; KuBay ÄA 2258 fol. 510, 1623, De Fours to Maximilian; KuBay ÄA 2258 fol. 506, January 17, 1624, De Fours to Maximilian; KuBay ÄA 2258 fol. 517, January 20, 1625, De Fours to Maximilian.

Tentative Cooperation: Objection, Tension and Negotiation in Tilly's Field Army

Most commanders who served under Tilly and Anholt in the field armies remained unwilling to invest their wealth outright to rebuild their commands. Many allowed free license for mischief and plunder, both to satisfy their men and to pressure the duke into sending more funds. Maximilian realized his investment policy could not remain viable in the long term unless he convinced his officers to cooperate rather than resist. In February he decided to appoint special delegates from his privy council, one to Tilly's headquarters, the other to Anholt's, to negotiate more formal arrangements with commanders in the field. He appealed to their loyalty and service to the emperor, he offered them gifts and inducements, and he denounced illegal violence and mutiny as blots on their reputations that cast their quality into doubt. In the end, however, he offered partial compromises on his investment policy, and sent small cash consignments to avoid potential mutiny.

Shortly after the new year Tilly's officers began to lodge widespread objections to Maximilian's new policies and demanded better support as they wintered along the Neckar.⁴³ Officers claimed they could no longer maintain their men, they had begun to lose respect and credit in the ranks, and they would soon face ruin unless the duke helped replenish their coffers. Many insisted they could no longer prevent their men from

⁴³ Tilly and Maximilian discuss, KuBay ÄA 2297 fol. 518-521, December 16, 1621, Tilly to Maximilian; KuBay ÄA 2314 fol. 9-11, December 31, 1621, Tilly to Maximilian; KuBay ÄA 2314 fol. 55-56, January 3, 1622, Tilly to Maximilian; KuBay ÄA 2314 fol. 109-112, January 15, 1622, Tilly to Maximilian; KuBay ÄA 2314 fol. 159, February 3, 1622, Maximilian to Tilly; KuBay ÄA 2314 fol. 204-207, February 7, 1622, Tilly to Maximilian.

despoiling villagers and townspeople until they received more coin. Tilly pleaded with Maximilian to send some convoys to tide them over in time for his planned offensive come spring.

In response Maximilian sent colonel Hannibal von Herliberg to represent him in negotiations at Tilly's headquarters.⁴⁴ He instructed Tilly to summon a war council where Herliberg could treat with the colonels, captains and delegate soldiers. Herliberg would try to address their concerns and, per instructions, convey to them Maximilian's new expectations.

In his letter Maximilian told Herliberg to stress, first, that warriors could no longer expect short-term repayment as they had in the past.⁴⁵ Neither he, nor any other warlord in the empire, had prepared to engage so many troops over such prolonged, extensive campaigns and occupations. Maximilian had come to accept that his charge as imperial commissioner would entail heavy long-term expenses and standing arrears from year to year. His commanders, too, should realize that their own service to Maximilian, to emperor and empire and, indeed, to God, would require them to undertake similar commitments.⁴⁶ He did not mention, as he might have, that officers themselves claimed as much when they cited their financial damages alongside their physical injuries as

⁴⁴ Maximilian's instructions to Herliberg, KuBay ÄA 2265 fol. 238-245, February 21, 1622, Maximilian to Herliberg.

⁴⁵ Maximilian discusses, *ibid.*

⁴⁶ Maximilian's instructions to Herliberg, *ibid.*

evidence for their continued devotion to Maximilian and the Catholic cause more broadly.

Mutiny and illegal plunder, on the other hand, suggested a breach in faith that cast their quality, credit and loyalty into doubt. Every warrior should seek, as his foremost concern, to support his own men and to advance his patron's honor and reputation, Herliberg would insist.⁴⁷ Maximilian himself had offered his own wealth in the emperor's service without full recompense and had delivered far more money to his army than any other warlord in the empire. He would, moreover, make good on his debts given time, as everyone knew.

Officers who protested, on the other hand, or who commanded so little respect that their men refused to observe good regiment, could not be expected to make good on their obligations, Herliberg should say.⁴⁸ Their poor service would injure Maximilian's good name and bring disrepute upon the entire Catholic cause, something any honorable Christian warrior should rather perish than accept. In effect Maximilian told his officers, through Herliberg, that he would henceforth judge their quality and loyalty chiefly by how well they kept good discipline and made do without his funds.

In the event Maximilian's appeal failed to satisfy them, Herliberg would negotiate alternative deals with each colonel and his captains in private.⁴⁹ He would offer, first,

⁴⁷ Ibid.

⁴⁸ Maximilian's instructions to Herliberg, *ibid.*

⁴⁹ Ibid.

cash reimbursement in small amounts to help officers with their debts. Failing that, he would offer more generous gifts in interest-bearing notes redeemable in the future. Officers could then sell the notes for cash or use them as collateral to raise further loans from financiers. Maximilian's gifts, however small, would nonetheless show his officers favor through concrete tokens, and might help them save face, unlike empty deferment. In the same vein Herliberg would offer certain distinguished officers appointment to full colonelcy.⁵⁰ Should officers still refuse then Herliberg would send to Munich for further instructions.

Soldiers meanwhile took subjects and even entire households hostage along the Neckar to ransom goods from towns and villages in the valley.⁵¹ Maximilian understood officers would continue to allow their brigandage until negotiations concluded and he delivered on their demands.⁵² They knew he would need their cooperation by the time the spring campaign began in earnest. In late February parties from Mansfeld's army began to probe for ways to cross the Rhine onto the east bank. Should Mansfeld break across he would be able to hold the river and, with support from Mannheim, Heidelberg and Frankenthal, control the countryside against League troops.

In the end Maximilian conceded and sent several convoys to the Neckar loaded up with 400,000 guilders and talers to satisfy Tilly's men.⁵³ He told Herliberg to admonish

⁵⁰ Ibid.

⁵¹ Tilly discusses, KuBay ÄA 2314 fol. 109-112, January 15, 1622, Tilly to Maximilian.

⁵² Maximilian discusses, KuBay ÄA 2265 fol. 257-259, March 4, 1622, Maximilian to Herliberg.

⁵³ KuBay ÄA 2265 fol. 268-273, March 5, 1622, Maximilian to Herliberg.

them that they should hereafter find no further cause for complaint. In granting them such large sums he had accorded them far greater esteem than they could expect from any other warlord, no matter their quality, Herliberg should say.⁵⁴ By mid-March Tilly found his troops ready to resume their campaign against Mansfeld. During the months and years after March, 1622, however, Maximilian would prove increasingly less willing to compromise on his investment policy.

Protest and Agitation: Continued Unrest and Near-Mutiny in Anholt's Field Army

In his negotiations with Anholt's army during the same months Maximilian used similar appeals and inducements to those he presented with Tilly's commanders. Beyond his special negotiator, Haimhausen, he also sent his trusted commander Timon von Lindlo to take the army's pulse and advise him on how best to proceed.⁵⁵ In addition he expected Lindlo to use his considerable standing in the army to prevent officers from using mischief or mutiny to force Maximilian into conceding their demands. Before long Maximilian decided to take Lindlo's advice, granted his officers partial concessions and sent coin to tide them over in March, as he had done for Tilly's forces. Neither Anholt nor Lindlo managed to enforce better regiment, however. Anholt's officers continued to

⁵⁴ Ibid.

⁵⁵ Maximilian discusses with Herliberg, Lindlo, KuBay ÄA 2265 fol. 226-227, December 29, 1621, Maximilian to Herliberg; KuBay ÄA 2265 fol. 238-245, February 21, 1622, Maximilian to Herliberg; KuBay ÄA 2260 fol. 72-73, March 4, 1622, Maximilian to Lindlo.

protest, agitate and plunder throughout 1622 and well into 1623 to gain better terms in the duke's service.

Prior to negotiations, during the winter, Anholt continued to shadow and harry prince Christian's army in Hessen, as he had done since the previous December.⁵⁶ Tilly and Leopold meanwhile focused on trying to keep Mansfeld on the Rhine's west bank, and Durlach on the east, so they could be defeated separately in the spring and summer. In an effort to help his officers maintain their men Anholt managed to scrounge coin and provisions from the elector-archbishops of Mainz and Trier, League members both.

Anholt's men nonetheless struggled and began to protest, by January, that they could not maintain their troops much longer.⁵⁷ Officers claimed, as they had in Tilly's army, that their soldiers had ceased to observe good regiment, and would not resume unless they could provide better support. Horsemen, in particular, felt unduly insulted, they said, and had ceased to accord their leaders any respect or credit. In February, the same month Maximilian sent Herliberg to negotiate at Tilly's headquarters, Anholt's officers forced the field marshal to halt his campaign and refused to pursue Christian's forces further until they had received their due coin from Maximilian.⁵⁸ Anholt pleaded

⁵⁶ On the 1622 campaign see Günter Barudio, *Der Deutsche Krieg, 1618-1648* (Frankfurt: S.Fischer, 1985), 195-214; Heilmann, *Kriegsgeschichte*, 122-157; Ronald G. Asch *The Thirty Years War: The Holy Roman Empire and Europe, 1618-48* (New York: St. Martin's, 1997), 68-72; C.V. Wedgwood, *The Thirty Years War*, (London: Jonathan Cape, 1938), 148-158; and Wilson, *Europe's Tragedy*, 332-339.

⁵⁷ Maximilian and Anholt discuss, KuBay ÄA 2281 fol. 22-23, February 9, 1622, Maximilian to Anholt; KuBay ÄA 2281 fol. 40-42, March 3, 1622, Anholt to Maximilian.

⁵⁸ Tilly describes events, KuBay ÄA 2314 fol. 204-207, February 7, 1622, Tilly to Maximilian.

with Maximilian to send some convoys as soon as possible so he could resume his attacks in earnest.

In response Maximilian sent Haimhausen to Anholt's war council and ordered him to take the officers through the same negotiation process Herliberg had used for Tilly.⁵⁹ Haimhausen would stress, first, that Maximilian frowned upon troublemakers who brought themselves and the army into disrepute through mischief. Officers who chose to support troops at their own expense, on the other hand, would thereby show their quality and good service, and would meet with Maximilian's favor, and perhaps gifts.

Haimhausen continued negotiations through February and March without reaching any accord. In the meantime Anholt had to make do with fewer active men.⁶⁰ Rather than use his parties to disrupt Christian's recruitment and hinder his march southward, as he preferred, he kept his distance and waited for Haimhausen to make progress with the officers. He asked Maximilian once again for more funds.

Maximilian next consulted with Lindlo on how he might best convince Anholt's officers to reach an agreeable settlement.⁶¹ Lindlo suggested that the duke should allow officers to continue their negotiations with Haimhausen.⁶² He did not need to deliver more coin, necessarily, but he should at least show officers that he held them in good favor and understood their need to maintain credit with their men. Haimhausen's talks

⁵⁹ Maximilian informed Anholt, KuBay ÄA 2281 fol. 22-23, February 9, 1622, Maximilian to Anholt.

⁶⁰ Anholt discusses, KuBay ÄA 2281 fol. 40-42, March 3, 1622, Anholt to Maximilian.

⁶¹ KuBay ÄA 2260 fol. 72-73, March 4, 1622, Maximilian to Lindlo.

⁶² KuBay ÄA 2260 fol. 87-88, March 18, 1622, Lindlo to Maximilian.

would demonstrate, in addition, that Maximilian did intend to reward his officers and soldiers for the service and hard fighting they had rendered him over the past months, and would thereby strengthen their affection for his house. Lindlo further suggested the duke should advance several worthy officers to higher command, as he had done in Tilly's army.⁶³ Maximilian's commissioners seem to have concurred with Lindlo and warned him, further, that he should issue no further orders that seemed to bypass the negotiation process.⁶⁴ Such instructions might incense the men and spark general mutiny.

Maximilian trusted Lindlo's judgment and let negotiations continue into the spring. By March, however, Mansfeld had escalated his efforts to break across the Rhine, and Durlach, unable to force his way through Leopold's men to join Mansfeld, marched north through the Black Forest to threaten Tilly from the south.⁶⁵ Tilly needed Anholt's troops active to keep prince Christian at bay while he dealt with Mansfeld and Durlach. Maximilian decided to give in to their demands, as he had with Tilly's men, and sent cash convoys to tide them over. In March and early April Anholt resumed his attacks on Christian.

⁶³ Ibid.

⁶⁴ Commissioners discuss, KuBay ÄA 2275 fol. 347, April 3, 1622, Garzweiler to Maximilian; KuBay ÄA 2275 fol. 345, April 3, 1622, Laiminger to Maximilian; KuBay ÄA 2275 fol. 349, April 3, 1622, Kädinger to Maximilian.

⁶⁵ On the 1622 campaign see Günter Barudio, *Der Deutsche Krieg, 1618-1648* (Frankfurt: S.Fischer, 1985), 195-214; Johann Heilmann, *Kriegsgeschichte von Bayern, Franken, Pfalz, und Schwaben von 1506-1651*, vol.1 (Munich: J.G. Gotta, 1868), 122-157; Ronald G. Asch *The Thirty Years War: The Holy Roman Empire and Europe, 1618-48* (New York: St. Martin's, 1997), 68-72; C.V. Wedgwood, *The Thirty Years War*, (London: Jonathan Cape, 1938), 148-158; and Peter H. Wilson, *Europe's Tragedy: A History of the Thirty Years War*, (London: Penguin, 2009), 332-339.

In the meantime, however, Mansfeld managed to put Tilly on the defensive. In their effort to regain ground Tilly's men seized several towns and, angered by the citizens' bitter resistance during their assaults, slaughtered the inhabitants, a deep embarrassment to Maximilian and a setback to his political legitimacy.⁶⁶ Frederick traveled from the Hague in late April to join Mansfeld and give heart to his troops and subjects. By month's end Mansfeld had forced his way across the Rhine near Speyer and defeated Tilly's efforts to drive him back across. Maximilian pressed Anholt to move quickly, take pressure off Tilly and force Christian into battle before he could join Mansfeld.⁶⁷

Anholt, for his part, could not respond to the request because his officers had, since late-April, become recalcitrant once again and pressed for reimbursement and support. This time Maximilian had his brother Ferdinand, elector archbishop of Cologne, send another large cash convoy to tide them over.⁶⁸ Commanders struggled to find a secure route where enemy parties could not interdict the wagons, however, and by early May the coin had not yet arrived. Anholt feared his troops might soon rise in mutiny, he said.⁶⁹ Maximilian ordered Lindlo to help Haimhausen negotiate with Anholt's officers

⁶⁶ Tilly describes the incident, KuBay ÄA 2314 fol. 450-454, April 11, 1622, Tilly to Maximilian.

⁶⁷ KuBay ÄA 2281 fol. 38-39, April 23, 1622, Maximilian to Anholt; KuBay ÄA 2281 fol. 47-48, April 30, 1622, Maximilian to Anholt.

⁶⁸ KuBay ÄA 2281 fol. 47-48, April 30, 1622, Maximilian to Anholt; KuBay ÄA 2260 fol. 92-93, May 1, 1622, Maximilian to Lindlo.

⁶⁹ Maximilian discusses in his orders to Lindlo, KuBay ÄA 2260 fol. 92-93, May 1, 1622, Maximilian to Lindlo.

in the hope that he might help them reach a lasting agreement.⁷⁰ In order to keep up the pressure on Maximilian Anholt's officers decided, once again, to intensify their mischief and plunder, and focused this time on League members themselves.⁷¹

Maximilian tried, this time, to crack down on mischief once and for all, and communicated to his officers that he would brook no further illegal violence as a negotiation tactic.⁷² He ordered Lindlo to break off negotiations, round up the ringleaders and hang them to discourage further insolence and exorbitancies.⁷³ Lindlo clearly sympathized with officers' plight, however, and his punishments, to the extent he may or may not have carried them out, seem to have wrought little effect.

By early May Tilly could no longer afford to wait for Anholt.⁷⁴ Mansfeld and Durlach combined their armies and forced him westward against the Rhine. He sought help from Córdoba, who crossed over with some Spanish troops to join him. Several days later Mansfeld and Durlach briefly split their forces and Tilly, spotting an opportunity, attacked Durlach and scattered his army in battle. Mansfeld, his ally lost, retreated swiftly back across the Rhine, and Córdoba returned to protect his original

⁷⁰ Ibid.

⁷¹ Maximilian discusses with Anholt and Lindlo, KuBay ÄA 2281 fol. 58-59, May 27, 1622, Maximilian to Anholt; KuBay ÄA 2260 fol. 101-102, June 4, 1622, Maximilian to Lindlo.

⁷² Maximilian told Anholt to promulgate his position, KuBay ÄA 2281 fol. 58-59, May 27, 1622, Maximilian to Anholt.

⁷³ KuBay ÄA 2260 fol. 101-102, June 4, 1622, Maximilian to Lindlo.

⁷⁴ On the 1622 campaign see Barudio, *Teutsche Krieg*, 195-214; Heilmann, *Kriegsgeschichte*, 122-157; Asch *Thirty Years War*, 68-72; Wedgwood, *Thirty Years War*, 148-158; and Wilson, *Europe's Tragedy*, 332-339.

positions in the west. Leopold moved against Mansfeld to keep him occupied in the south while Tilly headed north to face prince Christian in Anholt's stead. He defeated Christian in battle near Frankfurt in June, then moved back south to reduce Frederick's fortresses in the Palatinate. Christian managed to escape with his cavalry and rushed south to join Mansfeld in Alsace. Maximilian ordered Anholt to pursue Christian while Tilly besieged Heidelberg and blockaded Mannheim.

Anholt's men still refused to act, however, despite Lindlo's efforts.⁷⁵ Short on time Maximilian relented, again, and promised them more funds. He had Herberstorff inform Anholt that substantial pay awaited his troops in Cologne, with more to follow over the next several months.⁷⁶ Satisfied for the time being, Anholt's men headed south after Christian, who had reached Mansfeld's main army in Alsace. Anholt pressed Mansfeld and, with help from Leopold's imperials, forced him to evacuate the region, whereupon Frederick cancelled Mansfeld's contract. Mansfeld and Christian retreated west, looted their way through Lorraine, then headed north to try to bring their men into Dutch service against Spain. In late August they ran up against Córdoba near Namur, but managed to punch their way through his army and escape north.⁷⁷

In early 1622 Maximilian's reluctance to compromise on his investment policy had brought both Tilly's and Anholt's field armies into a growing state of crisis. In

⁷⁵ Maximilian discusses, KuBay ÄA 2248 fol. 377-380, July 5, 1622, Maximilian to Herberstorff.

⁷⁶ Ibid.

⁷⁷ On the 1622 campaign see Barudio, *Teutsche Krieg*, 195-214; Heilmann, *Kriegsgeschichte*, 122-157; Asch *Thirty Years War*, 68-72; Wedgwood, *Thirty Years War*, 148-158; and Wilson, *Europe's Tragedy*, 332-339.

March he sent coin to both armies to help officers with their maintenance costs, but he could scarcely afford the expense. Anholt's men, unlike Tilly's, continued to agitate all year for better support, often refused to campaign until the duke relented, and attacked League members' own lands in an effort to force his hand. In late August Maximilian wrote Leopold and asked him to pressure the League estates into contributing more to the war effort so as to afford his troops more ready cash.⁷⁸ Maximilian would continue to face crisis throughout the year, however, not only in the field, but in his further recruitment efforts.

Investors by Force: Hazard and Harassment during the Musters in Bohemia

In addition to his efforts to recruit cavalry during the winter Maximilian decided to raise three further regiments in Bohemia to participate in Tilly's upcoming campaigns. He issued contracts for one cavalry and two infantry regiments, respectively, to colonels Gabriel Pechmann, Hans Ernst von Sprinzenstein and Johann von Aldringen, and set their muster date for March so they could march west in the spring.⁷⁹ Maximilian tried to force investment upon them, too, as he had done with his other new colonels and captains. In Bohemia, however, they faced not only the usual competition, but hazardous journeys in war-torn lands where they could find neither safe routes to muster nor secure

⁷⁸ KuBay ÄA 2326 fol. 72-74, August 22, 1622, Maximilian to Leopold.

⁷⁹ KuBay ÄA 2261 fol. 323-324, January 15, 1622, Maximilian to Pechmann; KuBay ÄA 2309 fol. 3-4, January 29, 1622, Maximilian to Aldringen; KuBay ÄA 2295 fol. 58-59, January 15, 1622, Maximilian to H.E. Sprinzenstein.

lodgings on arrival. In consideration for the heavy costs they incurred to bring their men together they asked Maximilian to extend their musters and allow them to preserve their commands.

Maximilian obtained permission from the emperor to hold musters in the Pilsener and Leitmaritz circles, close to Bohemia's western borderlands, and sent commissioners Gumpfenberg and Schierl to oversee the process.⁸⁰ Schierl traveled to Prague and arranged for Pechmann to muster at Komotau, a largely German-speaking royal town nestled in the mountains north from Leitmaritz.⁸¹ Aldringen and Sprinzenstein would meanwhile direct their troops to gather southwest around Pilsen for their own musters.⁸² Like other leaders Maximilian's three new colonels had to offer higher bounties, more conduct money, and better equipment, all at their own expense, in order to draw good recruits.

Pechmann decided against trying to compete for recruits in southern Germany or the Austrias.⁸³ Most Habsburg and Bavarian clients hailed from these regions, belonged to dense local networks there and had built up good names for themselves during the war. Instead he sent his recruiters north across the mountains into Lower Saxony, where his

⁸⁰ KuBay ÄA 2295 fol. 562-564, January 29, 1622, Maximilian to Schierl; KuBay ÄA 2275 fol. 227-228, February 25, 1622, Gumpfenberg to Maximilian.

⁸¹ Maximilian discusses, KuBay ÄA 2295 fol. 568-570, February 19, 1622, Maximilian to Schierl.

⁸² Maximilian discusses, KuBay ÄA 2309 fol. 3-4, January 29, 1622, Maximilian to Aldringen.

⁸³ Pechmann discusses, KuBay ÄA 2261 fol. 330-333, February 4, 1622, Pechmann to Maximilian.

own name carried weight, and into Silesia, where they could gather horsemen from disbanded Polish cavalry.

During their travels in Saxony and Silesia Pechmann's men found themselves in constant confrontations with Mansfeld's and Christian's officers.⁸⁴ Most frequently they encountered recruiters from the count of Löwenstein and one of the Weimar dukes, who scoured the countryside to seek horsemen for their cavalry regiments. Rival parties ambushed each other's recruits, launched raids against columns and fell upon lodgings and muster areas to kill, disperse, or counter-recruit their opponents' prospective soldiers.⁸⁵

Pechmann's officers faced constant harassment as well from hostile locals who supported the rebels and awaited the exiled king's return.⁸⁶ His captains could barely cross Silesia, for example, because they fell under constant attack from militia and local farmers. In towns they lost recruits by the dozens when citizens fell upon their lodgings and forced them to beat hasty retreats into the night. Even when they found relatively peaceful areas the Bohemian lands, already ravaged by warfare, could provide few good billets, provisions or other supplies.

⁸⁴ Pechmann and Gumpfenberg discuss, KuBay ÄA 2261 fol. 330-333, February 4, 1622, Pechmann to Maximilian; KuBay ÄA 2275 fol. 247-248, March 7, 1622, Gumpfenberg to Maximilian.

⁸⁵ Maximilian, Sprinzenstein and Pechmann discuss, KuBay ÄA 2295 fol. 58-59, January 15, 1622, Maximilian to H.E. Sprinzenstein; KuBay ÄA 2295 fol. 60-61, February 1, 1622, H.E. Sprinzenstein to Maximilian; KuBay ÄA 2261 fol. 330-333, February 4, 1622, Pechmann to Maximilian.

⁸⁶ Gumpfenberg describes Pechmann's men and their difficulties, KuBay ÄA 2275 fol. 247-248, March 7, 1622, Gumpfenberg to Maximilian.

Conditions soon proved too hazardous for Pechmann to meet his planned muster date in March. Pechmann asked the duke to extend his deadline to April and shift his assembly point from Komotau to a safer location in the south.⁸⁷ In reply Maximilian explained that he needed the troops ready as soon as possible and could not grant the extension.⁸⁸ He did, however, promise to ask Ferdinand for permission to expand the assembly area to include the entire surrounding region so Pechmann's troops could better support and defend themselves.

Pechmann and the others meanwhile continued to pour their own wealth into the recruitment process so they could complete their regiments on time. None seemed able to bring enough men safely to muster, however, despite their heavy investment. By mid-February Sprinzenstein and Aldringen had gathered so few soldiers that Maximilian decided to cancel Aldringen's command and merge his regiment into Sprinzenstein's.⁸⁹ Maximilian urged Aldringen to accept a post as Sprinzenstein's colonel-lieutenant until another full colonelcy became available for him in the future.⁹⁰

⁸⁷ KuBay ÄA 2261 fol. 325-326, February 11, 1622, Maximilian to Pechmann; KuBay ÄA 2261 fol. 337-339, February 18, 1622, Pechmann to Maximilian.

⁸⁸ KuBay ÄA 2261 fol. 334-335, February 23, 1622, Maximilian to Pechmann.

⁸⁹ Maximilian and Sprinzenstein discuss, KuBay ÄA 2309 fol. 8-10, February 16, 1622, Maximilian to Aldringen; KuBay ÄA 2295 fol. 67-68, February 18, 1622, H.E. Sprinzenstein to Maximilian.

⁹⁰ KuBay ÄA 2309 fol. 8-10, February 16, 1622, Maximilian to Aldringen.

Aldringen refused in the beginning to accept Maximilian's offer for fear that he might lose his reputation and disappoint his followers should he give up his command.⁹¹ He had promised his captains they would serve under him, and him alone, he said, and he swore to them that he would prevent their companies from being reformed. Sprinzenstein took pains to assure Aldringen that he would make room in his regiment for the latter's officers and troops.⁹² In time Aldringen agreed, on the condition that he retain exclusive command over his own captains. Maximilian approved the arrangement and instructed both colonels to merge their regiments.⁹³

In recognition for his ability to recruit and support troops Sprinzenstein next sought Maximilian's permission to muster a second regiment, this time cavalry. Several cavalry captains had presented themselves to him in Breslau, he said, including the Silesian Hans von Gelhorn, and the Austrian Matthias Grüber, renowned Catholic warriors both.⁹⁴ Each held his own first company present and ready for service, and could invite enough fellow captains along with them to comprise a full regiment. Sprinzenstein believed he could muster close to 1,000 men should the duke commission him.

⁹¹ KuBay ÄA 2309 fol. 15-17, February 17, 1622, Aldringen to Maximilian; KuBay ÄA 2309 fol. 30-32, February 24, 1622, Aldringen to Maximilian.

⁹² Sprinzenstein describes his interactions with Aldringen, KuBay ÄA 2295 fol. 67-68, February 18, 1622, H.E. Sprinzenstein to Maximilian.

⁹³ KuBay ÄA 2309 fol. 19-21, February 24, 1622, Maximilian to Aldringen.

⁹⁴ KuBay ÄA 2295 fol. 81-82, March 5, 1622, H.E. Sprinzenstein to Maximilian.

Later that March Maximilian declined Sprinzenstein's request, to the colonel's disappointment, on grounds that he could no longer afford to recruit more cavalry.⁹⁵ He instead asked Sprinzenstein to send Gellhorn and Grüber to Prague to stand by for further posts once they became available. Maximilian had largely denied requests from Pechmann, Aldringen and Sprinzenstein throughout the winter, even when it cost them their commands, as it had Aldringen. Perhaps he worried that any concessions might encourage Tilly's and Anholt's men to press him further during negotiations. Soon additional, unforeseen challenges in Bohemia would force him to give more ground to help his new colonels complete their musters.

Wallenstein's Challenge: Rivalry over Maintenance and Reputation in Bohemia

In Bohemia officers faced challenges to their commands not only from rebel adversaries, harsh conditions and Maximilian's deadlines, but also from the emperor's own commanders, in particular Albrecht von Wallenstein, who helped Liechtenstein govern Bohemia on Ferdinand's behalf.⁹⁶ Maximilian's colonels and commissioners claimed Wallenstein had driven them from their billets, often by force, and always contrary to the emperor's orders, the better to support his own men at their expense. Many urged the duke's commissioners to let them resist Wallenstein and retaliate against him so as to

⁹⁵ KuBay ÄA 2295 fol. 78-80, March 26, 1622, Maximilian to H.E. Sprinzenstein.

⁹⁶ On Wallenstein's role in the Bohemian government see Golo Mann, *Wallenstein, His Life Narrated* (New York: Holt Rinehart and Winston, 1976), 172-181; Charles W. Ingrao, *The Habsburg Monarchy, 1618-1815* (Cambridge: Cambridge University Press, 2000), 34-39; and Joachim Whaley, *Germany and the Holy Roman Empire*, vol.1 (Oxford: Oxford University Press, 2011), 577-583.

preserve their reputations and credit among their troops. Commissioners themselves tended to concur and supported the officers' requests. Maximilian, on the other hand, ordered them to comply with Wallenstein rather than invite further trouble, and thereby endangered the reputations they had spent so heavily to maintain.

Confrontations between the Leaguists and Wallenstein began when Pechmann's recruits first arrived at Komotau, their designated muster area, only to find that Wallenstein had ordered the town to bar its gates to them.⁹⁷ In their place Wallenstein reserved the settlement and its surrounding villages for his own imperial cavalry regiment. Pechmann's troops, already aggravated by the hardships they had endured to reach the muster area, began to take out their frustration on local subjects, the colonel said.⁹⁸ He claimed, like other officers, that Wallenstein sought deliberately to damage their own and Maximilian's reputations by making recruits lose respect for their leadership.

Wallenstein seems to have acted on his own initiative without regard for the emperor's instructions. Ferdinand had informed him previously that he should reserve Komotau its environs for Maximilian's colonels and their troops.⁹⁹ Wallenstein should render League troops every possible assistance so they could muster quickly and leave Bohemia for the Rhine. He did tell the Komotau authorities, as ordered, to expect

⁹⁷ KuBay ÄA 2275 fol. 229, February 27, 1622, Pechmann to Maximilian.

⁹⁸ Ibid.

⁹⁹ KuBay ÄA 2275 fol. 230, February 10, 1622, Ferdinand to Wallenstein.

Pechmann's troops, but he also told them to deny League troops entry pending further instructions from the emperor, instructions Wallenstein had, in fact, already received.¹⁰⁰ Until further notice Komotau should under no circumstances to admit Pechmann's men.

Pechmann soon turned to commissioner Gumpfenberg for help against Wallenstein and his cavalry. Gumpfenberg left Amberg in haste and arrived at Komotau to secure local cooperation with League officers.¹⁰¹ He found, however, that Pechmann, not knowing how else to protect his men, had already moved them south to lodge near Prague where he could better provide for them. Later that week Gumpfenberg gathered Pechmann, Aldringen and Sprinzenstein together to confront Wallenstein in person and press upon him their need to billet troops at Komotau.¹⁰²

Wallenstein countered, falsely, that the emperor and Liechtenstein had insisted he keep the area clear for Spanish and Imperial troops soon to arrive.¹⁰³ Behind their backs he pleaded with the emperor to deny them permission to billet there, on grounds that the area could not sustain them.¹⁰⁴ He suggested that Ferdinand transfer League troops across Bohemia to Glattau and Tauß, large towns south from Pilsen. He claimed, again falsely, that Gumpfenberg had already agreed to the transfer.

¹⁰⁰ KuBay ÄA 2275 fol. 232, February 18, 1622, Wallenstein to Komotau government.

¹⁰¹ KuBay ÄA 2275 fol. 227-228, February 25, 1622, Gumpfenberg to Maximilian.

¹⁰² Gumpfenberg describes their interactions with Wallenstein, KuBay ÄA 2275 fol. 245-246, March 5, 1622, Gumpfenberg to Maximilian.

¹⁰³ Gumpfenberg describes Wallenstein's response, *ibid.*

¹⁰⁴ KuBay ÄA 2275 fol. 249-250, March 5, 1622, Wallenstein to Ferdinand.

Gumpfenberg next turned to Maximilian to intercede with the emperor against Wallenstein.¹⁰⁵ Maximilian replied that Ferdinand had already given explicit approval, and his colonels should simply ignore Wallenstein and establish billets as ordered. Wallenstein gave in, for the time being, and instructed the Komotau authorities to finally admit Pechmann's men.¹⁰⁶ He insisted however that League troops must pay for provisions on their own rather than demand requisitions from the town. Imperial commissioner Christoph von Rechenberg would remain to act as Wallenstein's representative and keep close watch over the Leaguists.

By month's end, however, Wallenstein resumed his efforts to monopolize the best billets and deny them to League troops. Officers began to spend what commissioner Gumpfenberg considered tremendous sums to support their men, far more than the duke would ever be able to reimburse in the near future.¹⁰⁷ Colonels and captains had lost so much respect and credit, they claimed, that soldiers had begun to desert their companies almost as quickly as fresh recruits arrived to fill them up. Soldiers felt insulted, they said, that their leaders could offer no better recompense for the loyalty and quality they had shown during their recent hardships.

In order to placate their men officers allowed even more mischief and illegal violence in their commands. Soldiers' behavior in and around Komotau soon prompted

¹⁰⁵ Gumpfenberg and Maximilian discuss, KuBay ÄA 2275 fol. 224-226, March 12, 1622, Maximilian to Gumpfenberg; KuBay ÄA 2275 fol. 271-272, March 12, 1622, Gumpfenberg to Maximilian.

¹⁰⁶ KuBay ÄA 2275 fol. 279-280, March 11, 1622, Wallenstein's Ordinance to Komotau.

¹⁰⁷ Gumpfenberg describes their efforts, KuBay ÄA 2275 fol. 277-286, March 13, 1622, Gumpfenberg to Maximilian.

Rechenberg to lodge formal complaints against them with Gumpfenberg.¹⁰⁸ Rechenberg claimed the Leaguists told him they would simply continue to abuse the townspeople until they got better support and accommodations. Colonels meanwhile assured Gumpfenberg they were gathering recruits as quickly as possible so they could march away without causing much further damage.¹⁰⁹ Ferdinand's governors and the local authorities soon began to pressure League officers to leave at once.

In late March the scheduled muster date arrived only to find the captains still short on recruits. Colonels tended to blame Wallenstein and his efforts to sabotage their good names.¹¹⁰ They reported that Wallenstein's cavalry had sprawled out over far more billets than necessary simply to luxuriate and deny those lodgings to Leaguists. Rather than continue to deal with Wallenstein around Komotau Maximilian ordered Gumpfenberg to have Pechmann and Sprinzenstein move their troops southward to muster in Leitmaritz instead.¹¹¹

Maximilian's colonels, on the other hand, felt they should confront Wallenstein more directly at Komotau rather than retreat south.¹¹² Over the past few months their men had lost confidence in their leadership, they said, because they had failed to respond

¹⁰⁸ KuBay ÄA 2275 fol. 298, March 20, 1622, Rechenberg to Gumpfenberg.

¹⁰⁹ Gumpfenberg recounts their claims, KuBay ÄA 2275 fol. 285-286, March 20, 1622, Gumpfenberg to Maximilian.

¹¹⁰ Pechmann discusses both his and their concerns, KuBay ÄA 2261 fol. 343-344, March 21, 1622, Pechmann to Maximilian.

¹¹¹ Gumpfenberg references the duke's orders, KuBay ÄA 2275 fol. 300-301, March 21, 1622, Gumpfenberg to Maximilian.

¹¹² Gumpfenberg discusses their views, *ibid.*

to Wallenstein's provocations. Rather than relent to his pressure they should fight back and force him to concede better conditions for their soldiers. They pressed Gumpenberg to allow them broader latitude to resist Wallenstein and restore their credit among recruits.

Maximilian insisted, in the end, on the planned move to Leitmaritz and his officers, however reluctant, collected their men for the march south.¹¹³ On their arrival at Leitmaritz, however, they found that the city fathers had, once again, barred their gates on Wallenstein's orders.¹¹⁴ Wallenstein told Gumpenberg to forget his plans to muster in Leitmaritz and instead relocate halfway across Bohemia to Schlackenwerth, a German-speaking town just north of Pilsen.¹¹⁵ Horsemen in Wallenstein's regiment began to attack League recruits, drove them from their lodgings and cut them down on the roads. On their March to Schlackenwerth they would, presumably, remain vulnerable to further harassment.

Gumpenberg decided to heed the officers, this time, and refused Wallenstein's order outright.¹¹⁶ He told the colonels to hold position around Leitmaritz, then confronted Wallenstein in person. Not to be deterred Wallenstein simply threatened Gumpenberg and the colonels and promised to have his cavalry kill any Leaguists who

¹¹³ Gumpenberg discusses, KuBay ÄA 2275 fol. 307-310, March 25, 1622, Gumpenberg to Maximilian.

¹¹⁴ Barolk reports the problem to Gumpenberg, KuBay ÄA 2275 fol. 316, March 24, 1622, Bartolk to Gumpenberg.

¹¹⁵ KuBay ÄA 2275 fol. 307-310, March 25, 1622, Gumpenberg to Maximilian.

¹¹⁶ KuBay ÄA 2275 fol. 311-312, March 24, 1622, Gumpenberg to Wallenstein.

sought quarters in Leitmaritz, Komotau, or any villages between.¹¹⁷ Once again Maximilian gave in to Wallenstein and told Gumpfenberg to go ahead and transfer the muster to Schlackenwerth despite objections from the officers.¹¹⁸ Gumpfenberg hesitated this time, however, and cautioned Maximilian that he believed further transfers might ruin the muster effort entirely.¹¹⁹ Colonels and captains insisted that most recruits no longer observed any discipline and would likely desert should they fail to respond to Wallenstein's provocations.¹²⁰

Despite Maximilian's orders Gumpfenberg decided, on his own authority, to heed the colonels instead.¹²¹ He ordered them to ignore Wallenstein and hold their muster at Leitmaritz as planned. In late March and early April Wallenstein's cavalry continued to try to dislodge League recruits from the villages around Leitmaritz.¹²² Officers continued to endure heavy costs without reimbursement, and they continued to use mischief and plunder to satisfy their men and uphold their reputations amidst constant harassment and shortages.

¹¹⁷ KuBay ÄA 2275 fol. 386, March 28, 1622, Wallenstein to Gumpfenberg; KuBay ÄA 2275 fol. 548, April 19, 1622, Wallenstein to Sprinzenstein.

¹¹⁸ KuBay ÄA 2275 fol. 321-322, March 26, 1622, Maximilian to Gumpfenberg.

¹¹⁹ KuBay ÄA 2275 fol. 337-339, April 1, 1622, Gumpfenberg to Maximilian.

¹²⁰ Erdel, for example, conveys his concerns to Gumpfenberg, KuBay ÄA 2275 fol. 491, April 8, 1622, Lieutenant Hans Erdel to Gumpfenberg.

¹²¹ Maximilian discusses, KuBay ÄA 2275 fol. 340-342, April 2, 1622, Maximilian to Gumpfenberg.

¹²² KuBay ÄA 2275 fol. 380, March 31, 1622, Gumpfenberg to Maximilian; KuBay ÄA 2275 fol. 448-449, April 10, 1622, Gumpfenberg to Maximilian.

Reduced Commands: Coerced Musters and Injured Reputations in Bohemia

Before long, Maximilian's commissioners took it upon themselves to grant requests from officers for reimbursement, despite the duke's orders to the contrary. Commissioners recognized the importance officers placed upon their prerogatives and their need to uphold credit with the troops. Maximilian consented to their judgment at first, as he had consented to send coin to Tilly's and Anholt's men, and he agreed to extend the muster so as to allow officers to build their companies to full strength. In the end, however, he decided his investment policy was more important, and forced them to muster on his terms despite any injury to their reputations and followings.

During their recruitment, officers had begun to take out loans from financiers in Prague to make their limited resources go further.¹²³ By mid-spring, however, they had stretched their resources to the limit, and pressed commissioners more insistently for reimbursement from the duke's treasury. Gumpfenberg obliged them on his own authority and used the ducal funds available to him to help officers with their expenses.¹²⁴

In time Maximilian backed the commissioner's initiatives in order to avert further crisis. He retroactively confirmed Gumpfenberg's decision to keep the muster near Leitmaritz, rather than move to Schlackenwerth at Wallenstein's behest, and told him to reimburse officers to the extent possible.¹²⁵ In addition he assigned commissioner Fatiga

¹²³ Sprinzenstein discusses their concerns, KuBay ÄA 2295 fol. 99-101, April 1, 1622, H.E. Sprinzenstein to Maximilian.

¹²⁴ Sprinzenstein discusses Gumpfenberg's actions, *ibid.*

¹²⁵ KuBay ÄA 2275 fol. 410-412, April 13, 1622, Maximilian to Gumpfenberg.

to assist Gumpenberg with finance and supply.¹²⁶ Fatiga rode from northern Bavaria and arrived by month's end to report to Gumpenberg at a village between Komotau and Leitmaritz.¹²⁷ By the time he arrived, however, he found that Gumpenberg had nearly emptied his ducal chest in his effort to support officers and desperately needed more funds.

In order to raise more cash Gumpenberg sent Fatiga to Prague to take out advances in the duke's name.¹²⁸ Fatiga carried Bavarian double-guilders, high-value coins Maximilian preferred to issue because no one could challenge their quality. On his arrival in Prague, however, Fatiga stepped into a shop to make some purchases only to find, to his surprise, that the shopkeeper refused to accept Maximilian's coin. He explained to Fatiga that the crown had forbidden Bohemian subjects by ordinance to use any currency save recently minted, low-purity talers. He would outrage the other shopkeepers, he said, if they learned he had taken better Bavarian coin behind their backs.

In February, two months earlier, Ferdinand had leased his royal minting rights to several Prague bankers and other magnates.¹²⁹ He licensed them to buy up silver, gold

¹²⁶ KuBay ÄA 2275 fol. 236-237, March 18, 1622, Maximilian to Fatiga; KuBay ÄA 2275 fol. 255-257, March 19, 1622, Maximilian to Fatiga.

¹²⁷ KuBay ÄA 2275 fol. 420-424, April 5, 1622, Fatiga to Maximilian.

¹²⁸ Ibid.

¹²⁹ On the mint consortium and the *Kipper- und Wipperzeit* see Charles P. Kindleberger, "The Economic Crisis of 1619 to 1623," *Journal of Economic History* 51:1 (1991): 149-175; Barudio, *Teutsche Krieg*, 191-194; Wilson, *Europe's Tragedy*, 795-798; and Thomas Brady, *German Histories in the Age of Reformations, 1400-1650* (Cambridge: Cambridge University Press, 2009), 381.

and proper coin, then melt them down and cut them with copper to issue new, debased mintages he could use to fund his war effort. Fatiga soon learned Ferdinand had ordered officials throughout the Habsburg lands to prohibit transactions in any coin except those issued by the mint consortium.¹³⁰ He could neither draw Bavarian coin nor spend it without incurring censure from Bohemian or imperial officials. Consortium members, who included Wallenstein and Liechtenstein, made colossal profits and, in the process, wrecked the empire's economy with runaway inflation for several years.

Fatiga worried the emperor's policies might ruin League officers as they tried to support their recruits during their muster.¹³¹ Colonels and captains who had already spent heavily would face even higher outlays to make up for inflation. Soldiers would take insult at being asked to accept low-value talers over good double-guilders, while suppliers and camp vendors outside the Habsburg lands refused to do further business until currencies stabilized. Officers felt their best course would be to stand up for their men and shield them from Wallenstein's and the mint consortium's machinations.¹³²

Fatiga agreed with the officers' judgment and informed Maximilian he would reiterate Gumpfenberg's earlier orders.¹³³ In addition Fatiga authorized officers for higher reimbursement amounts to match the inflation costs they incurred during their expenses.

¹³⁰ KuBay ÄA 2275 fol. 420-424, April 5, 1622, Fatiga to Maximilian.

¹³¹ KuBay ÄA 2275 fol. 404-405, April 7, 1622, Fatiga to Maximilian.

¹³² Fatiga discusses their concerns, KuBay ÄA 2275 fol. 404-405, April 7, 1622, Fatiga to Maximilian; KuBay ÄA 2275 fol. 407-408, April 8, 1622, Fatiga to Maximilian.

¹³³ KuBay ÄA 2275 fol. 407-408, April 8, 1622, Fatiga to Maximilian.

Gumppenberg seconded the measure and told Maximilian he would ignore any further imperial mandates concerning coinage.¹³⁴ He would also make sure League soldiers received good double-guilders in the future. Colonels told him they felt optimistic that they could make their musters by month's end, he reported.¹³⁵

Maximilian, on the other hand, hesitated to spend any further monies beyond what he had already allocated.¹³⁶ He countermanded Fatiga's decision, told his commissioners to cease any further reimbursements, then ordered them to rush the muster as quickly as possible. Captains should leave Bohemia as soon as they reached two-hundred men, rather than wait for three-hundred, and march piecemeal for the Upper Palatinate. Near Amberg the regiments would assemble all their companies, then head west to join Tilly. Captains who gathered too few recruits would have their men reformed to fill out other companies and become *Intretenierte* until new captaincies became available for them.

Officers protested in outrage once they learned Maximilian would rather rush the muster and reform understrength companies than reimburse their ongoing expenses. Aldringen and his captains, for example, signed a joint petition to challenge the decision and request more time to gather men.¹³⁷ They explained how they had spent months,

¹³⁴ KuBay ÄA 2275 fol. 389-390, April 9, 1622, Gumppenberg to Maximilian.

¹³⁵ Gumppenberg discusses his interactions with the colonels, KuBay ÄA 2275 fol. 384-385, April 1, 1622, Gumppenberg to Maximilian; KuBay ÄA 2275 fol. 413-414, April 4, 1622, Gumppenberg to Maximilian; KuBay ÄA 2275 fol. 495-501, April 12, 1622, Gumppenberg to Maximilian.

¹³⁶ KuBay ÄA 2275 fol. 363-364, April 8, 1622, Maximilian to Commissioners in Bohemia.

¹³⁷ Letters and petition, KuBay ÄA 2309 fol. 53-55, April 11, 1622, Aldringen's Captains to Maximilian; KuBay ÄA 2309 fol. 65-67, April 11, 1622, Aldringen to Maximilian.

bled and nearly ruined their finances to build their companies and keep them together during the spring. Should the duke dissolve them he would injure their reputations and cost them the credit they had earned with their men. They needed only one or two more weeks, they pleaded, to bring their companies up to strength.

Gumppenberg and Fatiga urged Maximilian to listen to his warriors and grant their requests.¹³⁸ Several captains had left service and took their recruits with them and the soldiers themselves, they reported, had intensified their violence. Officers warned the plunder would get worse unless the duke sent them cash so they could replenish their coffers enough to issue back pay.¹³⁹ Maximilian expressed displeasure at being coerced into greater expense through mischief.¹⁴⁰ He nonetheless agreed to Gumppenberg's recommendations and extended the muster until late April.

By month's end, however, the companies once again remained incomplete. Unwilling to consider further delays, Maximilian ordered Gumppenberg to muster them immediately in the same way he had previously instructed.¹⁴¹ Companies with over one-

¹³⁸ KuBay ÄA 2275 fol. 469-472, April 12, 1622, Fatiga to Maximilian; KuBay ÄA 2275 fol. 454-456, April 20, 1622, Gumppenberg to Maximilian; KuBay ÄA 2275 fol. 534-535, April 22, 1622, Gumppenberg to Maximilian.

¹³⁹ Gumppenberg and Fatiga discuss the officers' warnings, *ibid.*

¹⁴⁰ KuBay ÄA 2309 fol. 63-64, April 19, 1622, Maximilian to Aldringen; KuBay ÄA 2295 fol. 663-664, April 19, 1622, Maximilian to Schierl; KuBay ÄA 2275 fol. 481-482, April 22, 1622, Maximilian to Captain Schirl, copy Gumppenberg and Fatiga.

¹⁴¹ Maximilian, Gumppenberg and others discuss, KuBay ÄA 2275 fol. 564-565, April 25, 1622, Gumppenberg to Maximilian; KuBay ÄA 2275 fol. 511-512, April 26, 1622, Maximilian to Gumppenberg, Fatiga and Schirl; KuBay ÄA 2275 fol. 526-528. April 28, 1622, Maximilian to Gumppenberg; KuBay ÄA 2295 fol. 676-677, April 28, 1622, Maximilian to Schierl; KuBay ÄA 2275 fol. 514-516, April 28, 1622, Maximilian to Gumppenberg.

hundred-thirty men could wait until mid-May to reach the full two-hundred, but all other understrength companies should be reformed to create larger ones.

Gumppenberg and Fatiga conferred with each regiment's officers and cautioned Maximilian against implementing his decision.¹⁴² Soldiers in dissolved companies would rather desert altogether, they felt, than serve under any captain other than their own. Reformations would, moreover, both ruin officers' good names and sabotage their future recruitment efforts. They believed, in other words, that the cost to Maximilian's war effort would, over time, far outweigh any short-term fiscal advantages he might gain from rushing the muster.

Maximilian refused outright, this time, to consider another postponement.¹⁴³ Recruitment had already taken one month longer than anticipated. His new regiments would not arrive to help Tilly until mid-May at the earliest. He ordered Gumppenberg and Fatiga to muster the companies immediately and have them march for Amberg. Officers decried the decision, proclaimed that Maximilian's harsh judgment would damage their reputations, and warned that only their strong affection for the duke himself and his house had kept them in service this long.¹⁴⁴ They had signed on in the first place,

¹⁴² Gumppenberg and Fatiga discuss their interactions with officers, KuBay ÄA 2275 fol. 530-533, April 29, 1622, Fatiga to Maximilian; KuBay ÄA 2275 fol. 613-617. April 30, 1622, Gumppenberg to Maximilian; KuBay ÄA 2275 fol. 626-628, April 29, 1622, Landshüter to Gumppenberg.

¹⁴³ KuBay ÄA 2275 fol. 552-554, April 31, 1622, Maximilian to Gumppenberg, copy Fatiga and Schirl; KuBay ÄA 2275 fol. 582-583, May 3, 1622, Maximilian to Gumppenberg, Fatiga, Schirl; KuBay ÄA 2275 fol. 639-640, May 7, 1622, Maximilian to Fatiga; KuBay ÄA 2295 fol. 106, May 11, 1622, Maximilian to H.E. Sprinzenstein.

¹⁴⁴ Gumppenberg discusses their objections, KuBay ÄA 2275 fol. 601-605, May 6, 1622, Gumppenberg to Maximilian.

they claimed, in order to advance their own and Maximilian's honor and reputation. Wallenstein, not the duke's loyal colonels and captains, should take the blame for hindering their progress. Sprinzenstein's captains signed a join petition asking Maximilian to intercede with the emperor on their behalf against Wallenstein.¹⁴⁵

Maximilian told Gumpfenberg to ignore their protestations and proceed with the musters as ordered.¹⁴⁶ Colonels and captains refused to cooperate, however, and forced Maximilian into continued negotiations long through the summer months.¹⁴⁷ Rather than press him on reimbursement, as they had before, they tried instead to convince him he should relax his disciplinary policies. Recruitment had so depleted their finances, they claimed, that they could never have sustained their men without recourse to forage and requisitions from locals. Many recruits had begun to deem service under Maximilian so inglorious that officers could placate them only by allowing them broad license to plunder as they wished. Maximilian should reward those officers who had shown their loyalty, and did not abandon the duke's service during the recruitment, by overlooking their infractions.

¹⁴⁵ Letters and petition, KuBay ÄA 2295 fol. 115-118, May 4, 1622, Sprinzenstein's Captains to Maximilian; KuBay ÄA 2295 fol. 112-114, May 7, 1622, H.E. Sprinzenstein to Maximilian; KuBay ÄA 2261 fol. 351-353, May 9, 1622, Pechmann to Maximilian.

¹⁴⁶ KuBay ÄA 2275 fol. 648-650, May 9, 1622, Maximilian to Gumpfenberg; KuBay ÄA 2275 fol. 698-700, May 13, 1622, Maximilian to Gumpfenberg.

¹⁴⁷ Negotiations took place through June and July, KuBay ÄA 2309 fol. 109, June 28, 1622, Aldringen to Maximilian; KuBay ÄA 2261 fol. 368, July 6, 1622, Pechmann to Maximilian; KuBay ÄA 2248 fol. 400, July 15, 1622, Herberstorff to Maximilian; KuBay ÄA 2248 fol. 407d-407f, July 16, 1622, Herberstorff to Maximilian; KuBay ÄA 2248 fol. 407b-407c, July 22, 1622, Maximilian to Herberstorff; KuBay ÄA 2309 fol. 115-116, July 28, 1622, Aldringen's Captains to Maximilian; KuBay ÄA 2248 f 420, July 29, 1622, Herberstorff to Maximilian.

In the spring months Maximilian had agreed, albeit reluctantly, to reimburse his officers in order to avoid crisis and help speed their recruitment in Bohemia. By summer, however, he hardened his position, and forced them to muster their regiments in early August with their claims largely unresolved.¹⁴⁸ Captains who had failed to recruit enough men on their own accounts lost their commands despite the heavy investment they had undertaken.¹⁴⁹

Captains continued throughout the year to press for reimbursement and relaxed discipline, but they reached no explicit agreement with the duke. Maximilian simply ignored their complaints and hoped they would cooperate with his investment policy in order to keep their commands intact. He refused to let them use mischief to press their demands, and he refused to grant them free license for plunder in lieu of reimbursement, as they had urged.

Assistance Councilors: Search for Accord and Compliance

By late summer Maximilian came to realize that his commissioners had, in the end, proven more likely to support the colonels and captains than enforce his own mandates. Rather than rely solely on them to carry out his investment policy he decided to appoint permanent negotiators instead. He summoned Herberstorff and Muggenthal to Munich in late July and discussed sending them into the field as “assistance councilors” (*Assistenz*

¹⁴⁸ Herberstorff discusses, KuBay ÄA 2248 fol. 420, July 29, 1622, Herberstorff to Maximilian.

¹⁴⁹ Maximilian discusses, KuBay ÄA 2261 fol. 378-379, July 26, 1622, Maximilian to Pechmann; KuBay ÄA 2261 fol. 386-387. August 2, 1622, Maximilian to Pechmann.

Räthe) attached to Tilly's headquarters where they could treat with officers on an ongoing basis.¹⁵⁰ He tasked them to find solutions that might placate his commanders without compromising his investment and discipline policies. In the end, however, they could neither convince officers to reform their commands, nor could they fully persuade them to forego their claims to eventual reimbursement.

Herberstorff worried from the outset that he might not command enough stature in the army, with his colonel's rank and governorship, to convince the generals and other colonels to follow the duke's more unpopular directives.¹⁵¹ He asked that Maximilian bestow upon him the title Major-General of the Cavalry, a charge that had recently become vacant, both to strengthen his position and to reward his service. Tilly himself had already warned Maximilian that he should send more highly placed representatives to impress his will and new policies upon the war council.¹⁵² Maximilian demurred to consider the many applicants, as always, but agreed two months later and granted Herberstorff the general's rank.¹⁵³

Despite their new posts, however, Herberstorff and Muggenthal never managed to carry out Maximilian's orders that certain companies be reformed or disbanded. Officers refused to modify their commands in any way that might threaten their bonds or promises

¹⁵⁰ Maximilian's instructions to Herberstorff, KuBay ÄA 2248 fol. 422-423, July 29, 1622, Maximilian to Herberstorff, KuBay ÄA 2248 fol. 428-435, August 2, 1622, Maximilian to Herberstorff.

¹⁵¹ KuBay ÄA 2248 fol. 443, August 6, 1622, Herberstorff to Maximilian.

¹⁵² Maximilian discusses, KuBay ÄA 2248 fol. 426-427, July 30, 1622, Maximilian to Herberstorff.

¹⁵³ KuBay ÄA 2248 fol. 438-439, August 2, 1622, Maximilian to Herberstorff; KuBay ÄA 2248 fol. 479-481, September 12, 1622, Maximilian to Herberstorff.

to their followers. In the fall, for instance, Maximilian decided to reform some companies assigned to his occupation forces in the Lower Palatinate.¹⁵⁴ Shortly after his battlefield victories Tilly besieged Frederick's seat at Heidelberg and captured the palace by storm in mid-September.¹⁵⁵ Maximilian garrisoned the town with several cavalry companies that had suffered heavy casualties, then installed Heinrich von Metternich in Frederick's old residence to run his new occupation government. Metternich carried the title *Statthalter*, like Herberstorff in Upper Austria, and would oversee both Palatinate regions, with precedence over the regime at Amberg.¹⁵⁶

Once Metternich had made Heidelberg secure Maximilian decided to reform those cavalry companies he had assigned to the *Statthalter*'s garrison.¹⁵⁷ He wanted to dissolve the old companies and form several new, stronger companies from among their number. In late September he ordered his two new assistance councilors, Herberstorff and Muggenthal, to form a special committee with commissioner Starzhausen to negotiate with the captains on how to proceed.¹⁵⁸

Captains objected at once, however, and refused to relinquish their commands without extensive negotiations.¹⁵⁹ Should Maximilian reform their companies, they

¹⁵⁴ Herberstorff discusses, KuBay ÄA 2248 fol. 487-490, September 30, 1622, Herberstorff to Maximilian.

¹⁵⁵ See Wilson, *Europe's Tragedy*, 339.

¹⁵⁶ On the occupation see Albrecht, *Maximilian I*, 581-610.

¹⁵⁷ Herberstorff discusses, KuBay ÄA 2248 fol. 487-490, September 30, 1622, Herberstorff to Maximilian.

¹⁵⁸ KuBay ÄA 2248 fol. 479-481, September 12, 1622, Maximilian to Herberstorff.

¹⁵⁹ Negotiations continued into mid-October, 1622, KuBay ÄA 2248 fol. 482-483, October 6, 1622, Maximilian to Herberstorff; KuBay ÄA 2248 fol. 484-485, October 6, 1622, Maximilian to Herberstorff;

explained, their horsemen would almost certainly leave service rather than serve under an unfamiliar captain. Officers claimed their men had already grown impatient with poor support and outraged that the duke's representatives sought to deny them their due rights to loot and booty. Many had begun to consider the duke's service "unmanful" for true warriors, they warned.¹⁶⁰ Maximilian's commission and the captains continued to negotiate throughout October but Herberstorff, for one, tended to agree with the captains' assessment. In the end Maximilian once again relented, dissolved the commission on Herberstorff's advice, and declined to hold so much as a muster for the garrison cavalry.¹⁶¹

Tilly in the meantime tightened his blockade around Mannheim and then, in November, launched an assault that carried the walls.¹⁶² Mannheim's fall left only one remaining fortress, Frankenthal, in Frederick's hands. In the same month Anholt arrived in Westphalia to defend Cologne's lands against Mansfeld and Christian, who had sought shelter in East Frisia to rebuild their respective armies. Protestant towns, particularly around Münster, barred their gates to Anholt's troops, and hostile villagers cooperated

KuBay ÄA 2248 fol. 495-496, October 15, 1622, Herberstorff to Maximilian; KuBay ÄA 2248 fol. 493-494, October 18, 1622, Maximilian to Herberstorff.

¹⁶⁰ Herberstorff discusses their concerns, KuBay ÄA 2248 fol. 487-490, September 30, 1622, Herberstorff to Maximilian.

¹⁶¹ KuBay ÄA 2248 fol. 493-494, October 18, 1622, Maximilian to Herberstorff.

¹⁶² Herberstorff describes the event, KuBay ÄA 2248 fol. 501-502, October 18, 1622, Herberstorff to Maximilian.

with the enemy to deny his men provisions and shelter.¹⁶³ League regiments settled in to blockade the towns and Anholt began his long efforts to subdue the locals.

Anholt's officers once again began to demand that Maximilian send them reimbursement.¹⁶⁴ Their men, cold, hungry and battered, had begun to threaten general mutiny unless their leaders could provide better support, they claimed. Lindlo reported that many cavalry companies refused to carry out any orders whatsoever until they received more coin and better provisions.¹⁶⁵ He lamented that they had been reduced to a shameful beggar's fate, a frequent trope that echoed Georg Meisl's earlier insults in Geiselhöring, and urged Maximilian to grant their requests.

Maximilian insisted, for his part, that Anholt's officers should take more responsibility for their men's well-being and use their proven quality and experience to find ways to maintain their companies without immediate help.¹⁶⁶ He nonetheless did accede to Lindlo's judgment in the end and promised to send funds as soon as possible. By early December Anholt managed to placate his men and once again averted mutiny among his troops.

¹⁶³ See Wilson, *Europe's Tragedy*, 345.

¹⁶⁴ Lindlo discusses their demands, KuBay ÄA 2260 fol. 121-124, November 23, 1622, Lindlo to Maximilian.

¹⁶⁵ Ibid.

¹⁶⁶ KuBay ÄA 2260 fol. 115-117, December 8, 1622, Maximilian to Lindlo.

Conclusion

In previous years Maximilian had tried to guarantee his soldiers reliable support through his own administration. Despite his reforms, however, he could never ensure steady funds, and by early 1622 he could no longer afford to reimburse his officers for open-table maintenance. He deferred their demands for cash and, in the process, brought both field armies into repeated crisis throughout the year. Tilly's and Anholt's officers refused, on occasion, to participate in their respective campaigns until Maximilian sent convoys to defray their expenses. In the meantime commanders paid to host their soldiers at open table, when necessary, but preferred, when possible, to shower them with loot and booty, both legal and otherwise. Most allowed their men to engage in brigandage and declined to enforce better regiment until Maximilian defrayed their expenses.

Frederick, on the other hand, already an outlaw, allowed Mansfeld and Christian to support their armies by any means necessary. Beyond the elector's token subsidies his champions fueled their men through a piratical war economy based on pillage and illegal spoils from region to region. Maximilian would need more help from his officers, he decided, if he hoped to match them in 1622. Most had already begun to draw more on their own private wealth than they ever did in the past. Maximilian now pressured them to invest in their companies and regiments outright, on their own account, without any guarantee they would see repayment in the near future.

In response to their pushback against his plans Maximilian tried, throughout 1622, to reward officers who agreed to bear their own recruitment and upkeep costs. He

avored them for appointments to his new regiments and allowed them to negotiate for enlarged commands. Conversely when officers demurred, unable or unwilling to support their own men, he threatened to reform their companies, disband their regiments, or otherwise punish them and diminish their reputations.

In addition Maximilian promised investors advancement, gifts and, most importantly, future boons from the emperor to acknowledge their contributions toward restoring the public peace. In December Ferdinand summoned his allies and enemies to an imperial deputation at Regensburg to discuss how they might hasten the war's conclusion. During talks he agreed, at Maximilian's behest, to distribute new titles to reward his supporters in both the Habsburg and the League armies. He created roughly eleven princes, seventy counts, and over one-hundred barons to make good on his debts.

Officers who did invest tended to cite their contributions as evidence for their continued devotion and good service. Maximilian decided to leverage those same conceits against officers who dierespected his new mandates. In his letters and instructions he implied that he would weigh their financial commitment more heavily in how he measured their loyalty and quality. By the same token he would consider those who objected, or who failed to keep good regiment, both unfit and faithless to their charges. Their standing and continued service in his army would depend, in other words, on how well they supported their own men without his reimbursement.

In Bohemia the duke's officers faced their worst crisis yet as they struggled to recruit several new regiments over the spring. Hostile parties, poor conditions and rampant inflation delayed their progress and compounded their expenses over many

months. Wallenstein's cavalry fought them over billets in an effort, they felt, to ruin their reputations, unravel their commands and cause desertion from League arms. They feared they might lose the followings they had invested so heavily to build. Colonels collected joint petitions from their captains asking Maximilian to send them funds and extend their muster dates so they could complete their companies.

Maximilian at first obliged them, as he had Tilly's and Anholt's men, in order to get their regiments into the field as quickly as possible. Once their recruitment dragged into the summer months, however, he resolved to enforce his investment system more thoroughly. He denied them further monies, ordered them to rush the muster and insisted they reform any companies that still remained understrength. Leaders bitterly resisted Maximilian's effort to dissolve their men until late summer, when he finally compelled them to muster on his terms.

By the time they secured the Palatinate in the fall many officers had come to accept Maximilian's new financial demands. Despite heavy expenses they welcomed the opportunity to show how well they could provide for their men and contribute to Maximilian's military potential. On the other hand officers who became more financially committed also grew more adamant that Maximilian allow them to keep their commands intact. Maximilian lost, in time, his freedom to reform or disband companies and regiments at his pleasure.

Maximilian soon found, in addition, that he had to relax his control over good regiment so he might ensure ongoing cooperation from his officers. Leaders short on coin used their negotiations with Maximilian as an opportunity to satisfy their men with

loot and booty and, in the process, replenish their own coffers. Commissioners tended to overlook their infractions because they recognized the duke's investment system would collapse without the added wealth his officers extracted from the countryside. In time officers and commissioners developed new ways to avoid responsibility for brigandage and thereby spare Maximilian's political reputation.

CHAPTER 4: PARTISANS AND PREROGATIVES, 1622

Over the course of 1622 Maximilian largely gave up on trying to enforce “good regiment” in his armies. Officers managed to avoid responsibility for crimes committed by their soldiers, as they had in the past, and Maximilian refrained from pressing the issue because he needed to secure their ongoing investment. In most instances they claimed their men had never been involved in the first place, that the culprits had fled the army, could not be located or identified, or had acted mutinously in outrage due to poor support, contrary to the commander’s will. Maximilian’s own commissioners often proved more likely to cover for officers under their supervision than carry out the duke’s disciplinary mandates.¹

By year’s end Maximilian had, in response, shifted his focus away from trying to prevent infractions, and sought instead to avoid legal culpability for the damages his armies inflicted. In order to avoid making restitution for the countless grievances lodged against his troops by local authorities he developed evasions similar to those his officers had used to dodge his own reprimands in years past. Most often he claimed the culprits had not yet been found, or that no wrongdoing had occurred in the first place. He frequently maintained the pretense that his commissioners would conduct ongoing investigations, but in practice he began to ignore complaints altogether and thereby, in effect, turned a blind eye to illegal violence and plunder.

¹ On Maximilian’s inability to hold officers responsible see also Michael Kaiser, *Politik und Kriegführung. Maximilian von Bayern, Tilly und die Katholische Liga im Dreißigjährigen Krieg* (Münster: Aschendorff, 1999), 71-78, 103-104.

Commanders meanwhile relied upon Maximilian's forbearance to conduct partisan warfare to their satisfaction. Leaders used the hunt for spoils not only to advance their reputations, satisfy their men, and recoup their expenses, but also as a technique to overcome local resistance and secure regional control. Their parties ignored local authorities and took plunder as they saw fit in order to demonstrate their supremacy, defend their men against civil justice, and wrest the means of rule away from magistrates and subjects. Townspeople and villagers often proved more formidable in their opposition than historians usually allow, however.² Magistrates and officials organized their people for local defense, claimed jurisdiction over soldiers who committed crimes in their districts, and tried to capture and execute the culprits.

Officers claimed sole jurisdiction over their men, however, and brooked no interference from authorities outside their own commands. Commanders frequently took up the sword on their men's behalf to guard their liberties and protect them from retribution, imprisonment and punishment. Disputes between officers and magistrates followed careful escalation patterns and sometimes resembled minor feuds like those between League commanders and Wallenstein in Bohemia. In using partisan warfare to establish control and override local jurisdictions commanders practiced the judicial dimensions of lordship through the powers of the imperial state, conferred upon them by charter.

² Some historians do explore their role, for example Michael Kaiser, "Inmitten des Kriegstheaters: Die Bevölkerung als militärischer Faktor und Kriegsteilnehmer im Dreißigjährigen Krieg," in *Krieg und Frieden: Militär und Gesellschaft in der Frühen Neuzeit*, ed. Bernhard Kroener and Ralf Pröve (Paderborn: Schöningh, 1996), 281-304.

Evasion and Collusion: Commissioners, Discipline and Incomplete Enforcement

Early in 1622, during the winter and spring months, Maximilian seems to have made a few last, sporadic efforts to compel his officers to enforce better regiment in their commands. Officers largely ignored him and denied wrongdoing, as expected, but soon his commissioners, too, began to neglect his orders on a regular basis, and even covered for the officers under their supervision. In the end Maximilian's representatives largely chose to refrain from interfering in another officer's command and claimed that only soldiers' own leaders could ensure their good behavior. Some even suggested that Maximilian should abandon his discipline policies entirely and allow commanders to let their soldiers take illegal spoils in substitute for reimbursement.

Shortly after the new year, for example, Maximilian detached several companies from Kratz's command and sent them to Alsace to help archduke Leopold's imperials.³ Kratz had recently promised the duke he would keep better regiment in exchange for his enlarged command, but complaints against his men continued to arrive in flurries throughout the winter.⁴ In his effort to force Kratz's compliance Maximilian decided to appoint colonel Egon von Fürstenberg, Leopold's trusted client, as his newest commissioner, and charged him to keep Kratz's troops in line.⁵

³ Maximilian discusses, KuBay ÄA 2274 fol. 232-234, January 8, 1622, Maximilian to E. Fürstenberg.

⁴ Amberg commissioners discuss, KuBay ÄA 2302 fol. 244-249, January 3, 1622, Amberg Government to Maximilian.

⁵ KuBay ÄA 2274 fol. 232-234, January 8, 1622, Maximilian to E. Fürstenberg.

Maximilian decided to have his Amberg commissioners draw up new instructions for Fürstenberg that might serve as a model for how to enforce his disciplinary policies.⁶ In addition to the usual measures his instructions outlined how Fürsenberg might use promissory notes in the duke's name to help officers with their maintenance costs. Should officers run into trouble the colonel-commissioner could advance them notes, and they could use these notes to pay local service industries and contracted victualers rather than let their men ransack villages and towns. Maximilian would attach to Fürstenberg a paymaster from one of the war chests who could issue notes on command to merchants, shopkeepers, lodgers, and others.

His instructions notwithstanding Fürstenberg chose to cover for Kratz's captains rather than force them to observe good regiment. In mid-February, for example, he ignored reports from commissioner Burhus that Kratz's riders had begun to terrorize local subjects.⁷ Burhus told him the soldiers refused all orders to desist and threatened, like Tilly's and Anholt's troops, to continue until Maximilian sent more cash. Soldiers told Burhus they considered Maximilian's notes and deferments a slight to the quality and loyalty they had shown during their many years in service, he said.

Fürstenberg took no steps to compel Kratz's officers to enforce discipline. He simply told Maximilian he had become preoccupied trying to oppose Mansfeld's renewed

⁶ Maximilian, Amberg commissioners and others discuss, KuBay ÄA 2302 fol. 244-249, January 3, 1622, Amberg Government to Maximilian; KuBay ÄA 2274 fol. 232-234, January 8, 1622, Maximilian to E. Fürstenberg; KuBay ÄA 2274 fol. 236, January 26, 1622, Maximilian to E. Fürstenberg; KuBay ÄA 2258 fol. 31, February 12, 1622, Archduke Leopold to E. Fürstenberg.

⁷ KuBay ÄA 2258 fol. 47, February 14, 1622, H.U. Burhus to E. Fürstenberg.

efforts to cross the Rhine.⁸ He would need to keep Kratz's riders satisfied, his letter implied, if he expected them to continue fighting for him, and that meant he should not deny them their rights to loot and booty.

In addition Fürstenberg tried to claim that those troops under his supervision should not be held responsible for the reported infractions.⁹ He told Maximilian that only the imperial troops from Italy, not his own League troops, had taken liberties with the region's subjects. Locals knew no better, he claimed, and could not tell the difference between soldiers from different armies unless they wore their tokens. Fürstenberg went on to suggest that Maximilian should allow his officers to let their troops take open plunder in lieu of reimbursement.¹⁰ Forage and spoils in League lands, in particular, would ensure that the other members contributed their fair share to the army's upkeep, he said.

Burhus had earlier told Fürstenberg that he believed only Kratz himself, in person, could hold any sway over his captain and their men.¹¹ Maximilian decided to recall Kratz from Prague in May and told him to ride for Alsace at once so he could bring his own troops into better regiment.¹² Upon his arrival, however, Kratz seems to have joined Fürstenberg in ignoring Maximilian's orders. Further reports alleged that Kratz's men

⁸ KuBay ÄA 2258 fol. 30, February 14, 1622, E. Fürstenberg to Maximilian.

⁹ KuBay ÄA 2258 fol. 61-62, March 23, 1622, E. Fürstenberg to Maximilian.

¹⁰ KuBay ÄA 2258 fol. 70-72, E. Fürstenberg to Maximilian.

¹¹ KuBay ÄA 2258 fol. 47, February 14, 1622, H.U. Burhus to E. Fürstenberg.

¹² KuBay ÄA 2311 fol. 60-61, May 28, 1622, Maximilian to Kratz.

had begun to rob cattle and kidnap women and children to add to their baggage train as camp followers. Kratz himself simply denied the allegations as Fürstenberg had.¹³ He claimed the local authorities had agreed to provide them with cattle and that the only women and children present in the baggage train belonged to soldiers' families.

Complaints against Kratz's cavalry continued through 1623 and 1624 even after they had marched north to join Anholt's army in Westphalia. Officials claimed his men abducted people and killed those villagers who stood in their way. Kratz, for his part, professed outrage at their accusations.¹⁴ He requested that Maximilian have his commissioners conduct a formal investigation to exonerate his men and restore his own honor and good name. Plaintiffs denounced Kratz as a liar and claimed his reports false. Wilhelm Heinrich, the count of Bentheim, lodged repeated grievances against Kratz's troops and insisted his own reports spoke the truth.¹⁵

In the years after 1622, however, Maximilian had largely ceased trying to address complaints against his troops in meaningful ways. He urged Anholt to enforce better discipline, but Anholt demurred, saying he believed only those individuals responsible should be held accountable for infractions.¹⁶ He would make every effort to apprehend them and render exemplary punishment, he said, but so far they could not be identified or

¹³ KuBay ÄA 2311 fol. 81-82, undated, Kratz to Maximilian.

¹⁴ KuBay ÄA 2281 fol. 475-476, July 29, 1624, Kratz to Anholt.

¹⁵ KuBay ÄA 2281 fol. 477-478, July 30, 1624, Bentheim to Anholt.

¹⁶ KuBay ÄA 2281 fol. 455, July 15, 1624, Anholt to Maximilian.

located. In the meantime he refused to consider collective punishment against entire companies or Kratz's regiment as a whole.

Other commissioners, too, for example Umbsecker, covered for officers who kidnapped locals to enlarge their camp communities. Earlier that winter in 1622 Maximilian got complaints that League troops around Bamberg had abducted women and children to add their baggage trains.¹⁷ In response he ordered commissioner Umbsecker to make sure each colonel reduced his regiment's train to so the troops could not benefit from adding more people to their followers. Umbsecker soon reported the reductions complete. Local officials, on the other hand, claimed Umbsecker and the colonels had simply ignored Maximilian's orders. Officers still allowed their men to gather camp followers as before, they said, and abductions continued unabated.¹⁸

Maximilian reprimanded Umbsecker for his false report and his collusion with officers to disregard the duke's mandates.¹⁹ In order to preserve his reputation Maximilian now felt obliged to render Bamberg some satisfaction, he said. Umbsecker, as the duke's representative, should have carried out his will and prevented his troops from inflicting harm on League members. His neglect had affronted one of the League's most important leaders and had injured Maximilian's own good name. League troops had been raised for the common good to help ensure the public peace, he said. Mischief

¹⁷ Maximilian discusses these reports in his later orders to commissioner Umbsecker, KuBay ÄA 2275 fol. 202-205, January 28, 1622, Maximilian to Umbsecker.

¹⁸ Maximilian describes these events in his later orders to Umbsecker, *ibid.*

¹⁹ *Ibid.*

and exorbitances, on the other hand, served only private interests and worked to the whole army's disrepute. Maximilian expressed his inclination to dismiss Umbsecker from service over the breach in trust. Rather than cashier him, though, Maximilian simply re-issued him the same orders and enjoined him to carry them out this time.

Most officers and commissioners seem to have ignored orders they knew would interfere with commanders in their efforts to maintain and provide for their men. Given the shortage in reimbursement from Maximilian's treasury officers relied on illicit means to demonstrate their leadership and secure provisions, equipment, and rewards for their followers. In the course of 1622 Maximilian would come to accept that his officers needed leeway not only to support their troops, but to combat the enemy and effectively conduct his war effort.

Tactics for Control: Partisans, Conspicuous Violence and Supremacy in Erbach

Officers used the hunt for loot and booty not only to provide for their men and show resourceful leadership, but as a technique to flush enemy troops from contested regions, suppress local resistance and secure effective control. Commanders seized lodgings, took food and livestock in forage, kidnapped subjects to add to their baggage trains, held magistrates for ransom, obtained information through torture, and otherwise wrested the means of rule from local authorities. Rulers lodged repeated grievances against Maximilian's troops wherein they denounced the army's conduct and called he constitutional legitimacy of his war effort into question.

Ludwig, count of Erbach, for example, lodged repeated complaints against Anholt's troops throughout their 1622 campaigns in Hessen.²⁰ He compared them unfavorably to the rebels and submitted that Mansfeld's marauders, or other public enemies, might not have terrorized his people so thoroughly as did the Leaguists under Anholt's command.²¹ Ludwig's reproach challenged Maximilian's claim to have waged lawful war to restore the public peace and bring criminals to justice. His letters to Maximilian offer some of the most illustrative descriptions of the many illegal tactics officers used to demonstrate leadership, earn credit with their men and establish local control.

Commanders seem to have sought, first, to challenge local magistrates and undermine their authority among the people. Rather than make prior arrangements with the count or his officials, Ludwig said, horsemen descended upon his lands in the Odenwald suddenly and without warning, and seized lodgings for their men by force.²² Officers rejected the *Salva Guardia* contract the count had negotiated with Tilly's headquarters and instead had their men commit robbery, murder and arson throughout his jurisdictions. Erbach's bailiff approached the officers to draw up a new written accord

²⁰ Erbach's complaints, KuBay ÄA 2324 fol. 5, January 4, 1622, Erbach to Maximilian; KuBay ÄA 2324 fol. 7, May 15, 1622, Erbach to Maximilian; KuBay ÄA 2324 fol. 9-10, October 30, 1622, Erbach to Maximilian; KuBay ÄA 2324 fol. 13-23, undated, Erbach to Maximilian.

²¹ KuBay ÄA 2324 fol. 5, January 4, 1622, Erbach to Maximilian.

²² Erbach describes their actions in his grievances, KuBay ÄA 2324 fol. 7, May 15, 1622, Erbach to Maximilian; KuBay ÄA 2324 fol. 13-23, undated, Erbach to Maximilian.

for their maintenance, but they refused to settle on specific written terms to limit their requisitions.

Once they had successfully overcome the authorities officers next secured their means for local defense and usurped their prerogative to extract goods and services from the populace. Leaders sent their men into farmhouses and barns to round up horses, pigs, cows, and sheep, and to kidnap women and children for the baggage train.²³ Soldiers confiscated everyone's household weaponry for their own captains' stockpiles and soon claimed the bailiff's entire armory once they gained access. Churches, town halls, inns, and other common houses shut their doors to bar the riders, but before long they broke in, looted valuables and hauled furniture away for their lodgings and camps.

Should commanders encounter further trouble they had their men use ransom, torture and demonstrative violence to suppress the opposition. Ludwig described in his narrative how soldiers beat, cut down or shot anyone who got in their way or tried to resist, and they tortured local priests, and held them for ransom, to compel subjects to submit.²⁴ He stressed sexual violence in particular when he denounced Maximilian's troops and proclaimed that they showed themselves "more inclined to serve the devil than God."²⁵ House fathers gathered their families, fled into the nearby woods to escape the

²³ Erbach describes their actions in his grievances, KuBay ÄA 2324 fol. 7, May 15, 1622, Erbach to Maximilian.

²⁴ Erbach describes their actions in his grievances, KuBay ÄA 2324 fol. 7, May 15, 1622, Erbach to Maximilian; KuBay ÄA 2324 fol. 13-23, undated, Erbach to Maximilian.

²⁵ KuBay ÄA 2324 fol. 13-23, undated, Erbach to Maximilian.

soldiers' wrath, and remained there in the bitter winter cold until the soldiers torched their settlements and left.

In cases when local authorities organized further resistance commanders fought them openly in combat, both to re-establish their supremacy and to defend their martial reputations. Once the Leaguists had worked their way through the count's outlying villages and reached the walls at Erbach itself Ludwig rode out with his guards to confront them.²⁶ On his approach, he claimed, the horsemen drew their weapons rather than treat with him. One place his pistol against Ludwig's chest and robbed the party's weapons and valuables before allowing them to return to safety.

Erbach at once barred its gates against the marauders, let them overrun the suburbs for several days, and tried to rally the town's defenses. During that time one herald approached the gates, demanded entry and, when refused, fired several shots at the walls and citadel, one of which found its way through a window and into the count's own chambers, so Ludwig's story went.²⁷

Before long Erbach's leaders managed to organize several counterattacks that drove League troops from the town's outskirts. Ludwig expressed satisfaction that he had shamed the captains by defeating their men.²⁸ In retaliation the Leaguists decided to ransack the count's own palace, the Schönbürg. On their approach they noticed several

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

people in the outer court who tried to hide from them and escape their notice. Rather than announce themselves they simply broke down the door, killed one teenager who had taken up arms to defend the grounds, then took everyone else hostage. Once inside the Schönbürg they gathered up all the food they could carry, cut down the fruit trees in “devilish meanness,” and did as much damage as they could to the grounds in reprisal for their earlier humiliation at Erbach.²⁹

League officers, their reputations repaired, chose the count’s other stronghold at Reichenberg for their next target. In an effort to gain bloodless entry they forged false orders from Tilly that ordered Reichenberg’s defenders to open their gates in the name of the emperor. Erbach’s bailiff saw through the ruse, however, waved the *Salva Guardia* contract at them, then sent them on their way.

Rather than try to take the walls the horsemen simply confiscated all the wagons, horses, and hay they could find, along with cows, wine, bread and silver wares, then moved along to plunder and burn the nearby villages in order to satisfy what the count called their “bloodthirsty tyrannical hearts.”³⁰ Shortly thereafter colonel Florinville met with the bailiff and agreed to post formal bans on further plunder on pain of death. He made no effort to enforce the orders, however, and the bailiff’s leaflets hung forgotten for the campaign’s duration.

²⁹ Ibid.

³⁰ Ibid.

Later that year another entourage approached the Schönberg and claimed they wished to establish their headquarters in the palace.³¹ Erbach's bailiff had taken up residence there, and once again he invoked the *Salva Guardia* to reject their demands. They pleaded with him in the emperor's name and swore solemn oaths that they intended no harm toward the residence or its occupants. In time they persuaded the reluctant bailiff to open his gates. Soldiers at once locked the entire household in the wine cellar, ransacked the residence and, finally, took the bailiff himself hostage, thereby gaining full control in the region.

Over the summer Ludwig sought audience with Tilly to plead redress for his grievances, to demand restitution for the breached *Salva Guardia*, and to exact solemn promises from Maximilian and his commanders that League troops would be kept away from his lands in the future.³² Tilly expressed to the count his anger that League officers had conducted their men so poorly, but explained that he could do little to remedy their behavior until the year's campaign had concluded. He directed the count's complaint to Munich instead for Maximilian's administration to address.³³

By mid-summer Maximilian had largely begun to ignore complaints like Erbach's altogether, as he would during the years after 1622. He did acknowledge the count's complaint, but he made no further effort to reprimand officers or admonish them to

³¹ Ibid.

³² KuBay ÄA 2324 fol. 5, January 4, 1622, Erbach to Maximilian; KuBay ÄA 2324 fol. 9-10, October 30, 1622, Erbach to Maximilian.

³³ Described in Erbach's grievances, KuBay ÄA 2324 fol. 13-23, undated, Erbach to Maximilian

follow his disciplinary policies. He instead told Ludwig he would have his commissioners investigate the matter further so they could have officers render punishment and make restitution.³⁴ Like other plaintiffs, however, Ludwig heard no further word on any investigations the duke's commissioners may or may not have carried out.

Lapsed Grievances: Misconduct, Damages and the Policy of Denial in Limburg

Maximilian not only ignored complaints but began, by as early as mid-spring, to deny that any wrongdoing had taken place when his commanders seized local control. He refused to either hold officers responsible or permit local authorities to intervene in their supposed disciplinary efforts. Limburg's counts, for example, in western Hessen, heard little from Maximilian in response to the grievances they lodged against Anholt's troops during the spring and summer.

Limburg controlled an important bridge over the Lahn on the route between Hessen, Westphalia and the Palatinate. Maximilian's commissioners informed the counts in April that League troops would soon march through their lands headed south.³⁵ Once the column had passed the commanders would leave a small detachment behind to hold the bridge indefinitely. Their soldiers would need lodging arrangements from the counts to support them during their stay.

³⁴ KuBay ÄA 2324 fol. 1-2. June 6, 1622. Maximilian to Erbach.

³⁵ Earlier notices discussed in KuBay ÄA 2229 fol. 398-399, May 4, 1622, Maximilian to the Counts of Limburg

During recent campaigns Limburg had already experienced harsh treatment and both Mansfeld's and Anholt's hands. Limburg's counts pleaded with Maximilian to choose another route instead and spare their lands further troop movements.³⁶ Earlier victual ordinances had demanded too much from their villagers, they said, and placed their people in desperate circumstances. Maximilian acknowledged the burdens his troops placed upon Limburg's people, but nonetheless insisted they must establish billets in town to ensure safe, unhindered passage over the bridge.³⁷ He assured the counts his officers would take pains to keep good regiment and spare their subjects any unnecessary hardships. Limburg's rulers thanked the duke for his guarantee and hinted that they would hold him to his promise.³⁸

Once Anholt's troops moved in to secure the bridge as planned, however, their commander, colonel-lieutenant Gabriel Wachmann, showed no intention to abide by Maximilian's earlier agreement.³⁹ Wachmann arrived in July, in far greater numbers than the counts had been led to expect, and spread his men out to occupy nearly all the county's villages. Limburg's victual ordinance had called for Wachmann to establish a field camp well away from settlements, maintain good order, and make sure his men paid for what they took in good coin. Instead he billeted them far and wide and ordered them to secure as many provisions as they could pack away.

³⁶ KuBay ÄA 2229 fol. 400-401, April 13, 1622, Wilhelm of Limburg to Maximilian.

³⁷ KuBay ÄA 2229 fol. 398-399, May 4, 1622, Maximilian to the Counts of Limburg.

³⁸ KuBay ÄA 2229 fol. 405-406, June 29, 1622, Wilhelm of Limburg to Maximilian.

³⁹ KuBay ÄA 2229 fol. 414-415, August 17, 1622, Wilhelm of Limburg to Maximilian.

In their grievances the counts asked that Maximilian hold Wachmann personally responsible for the damages his men had caused in their lands.⁴⁰ Soldiers had acted under Wachmann's direct orders, they said, not in defiance to him. He kept his men in good order throughout their rampage, never lost control over their behavior, and could have stopped them at any time. In the process Wachmann's troops had left their people destitute, they said. Farmers dreaded in particular the loss of their draft animals and livestock, hitched to soldiers' treasure-laden wagons or sent to the butchers in the baggage train. Subjects could no longer sow their crops, nor scratch out basic subsistence, nor pay the rents, dues and fees the counts needed for reconstruction funds. They asked that Maximilian force Wachmann to render them due compensation and shift his army's march route to another region that could better sustain the troops.

Maximilian replied, as before, that he could under no circumstances abandon the bridge.⁴¹ He had instructed his commanders to avoid inflicting harm where possible, he continued, and he would re-issue those orders, but any further action must await investigation by the commissioners. No further word arrived, however, and Limburg's counts, like Erbach's, had to eventually give up on their grievances.

Before long the counts demanded to negotiate their own *Salva Guardia* to spare their lands further exactions.⁴² League troops had remained at Limburg throughout the

⁴⁰ Ibid.

⁴¹ KuBay ÄA 2229 fol. 412-413, Sept 3, 1622, Maximilian to Wilhelm of Limburg.

⁴² KuBay ÄA 2229 fol. 417, January 27, 1623, Georg of Limburg to Maximilian.

fall and into winter, 1623, despite further requests that they be moved elsewhere, and continued to make exactions upon local subjects. Maximilian again refused the counts' request.⁴³ He insisted that he still expected Limburg's people to abide by the victual ordinance and provide the necessary lodgings and supplies against orderly payment from his troops.

Maximilian's latter response betrayed no further recognition that his troops had engaged in any misconduct around Limburg. He neither allowed that officers had disobeyed his instructions, nor that their conduct differed in any way from the disciplinary policies he had set out to deal with infractions. By summer's end Maximilian consistently either ignored complaints altogether, as with Limburg, or maintained the pretense that his commissioners would investigate, as with Erbach and, by year's end, Leiningen.

Privileges and Rewards: Command Integrity and Interference in Leiningen

By late fall Maximilian had begun to dodge complaints from local authorities using the same evasions his own officers had previously used with him. He maintained the pretense that his commissioners would investigate, but invariably he claimed the culprits could not be found, or had left the army, and no meaningful action could be taken to make restitution for damages or punish the offenders. In the process officers made clear that they would neither interfere in another's command prerogatives nor tolerate outside

⁴³ KuBay ÄA 2229 fol. 421-422, April 2, 1624, Maximilian to Georg of Limburg.

encroachment upon their own. Given the need to maintain their men without reimbursement they also made clear that under no circumstances would they deny their men the privilege to loot and booty for support and rewards.

Maximilian's response to an incident that occurred late that fall in the county of Leiningen illustrates how officers defended their prerogative to plunder and how the duke, through his new policy, sought to accommodate them. Frederick, the young count of Leiningen, and his mother, Maria Elizabeth, had recently negotiated a *Salva Guardia* with Tilly's headquarters to shelter their people from ubiquitous marauders who had plagued them in recent months.⁴⁴ Under the contract's terms colonel Pappenheim would detail soldiers to guard Frederick's lands and the count, in return, would provide horses for his regiment.

On November 11, 1622, Pappenheim's representative, captain Damian Moran, arrived at the Emichsburg, the count's castle and seat, to work out details on how to procure the horses and make arrangements for the county's defense.⁴⁵ Late the following night, November 12, Moran and the count got word that unidentified horsemen had descended without warning upon two of Leiningen's villages, Klein- and

⁴⁴ Described in Frederick's later grievances, KuBay ÄA 2229 fol. 261, February 14, 1623, count of Leiningen to the Kriegsrat and Maximilian.

⁴⁵ Described in Moran's later deposition at Heidelberg, copied from the War Council to the count, KuBay ÄA 2229 fol. 263-266, March 4, 1623, the Kriegsrat and Maximilian to the Count of Leiningen.

Großbockenheim, and ransacked both communities. Frederick now called upon Moran to hold up Pappenheim's end of the bargain and drive out the marauders.⁴⁶

Moran described, when later questioned, how he rode forth at once from the castle to confront the horsemen.⁴⁷ He intended to enforce the *Salva Guardia* in Pappenheim's and Maximilian's names, he said, or, failing that, scout the situation further. On his arrival at the scene, however, he discovered that the horsemen in fact belonged to Pappenheim's cavalry, his own regiment. In dismay, he claimed, he ordered the soldiers to desist at once. Pappenheim and Maximilian had given their word to defend Leiningen's lands and people, he reminded them. Soldiers should seek to uphold those promises and advance their officers' honor and reputations. Instead the marauders had chosen to ignore their obligations and, in the process, undermined their colonel's and warlord's good names.

In response the riders told Moran that their own captains had granted them full authorization for the raid, he said.⁴⁸ Moran, merely another captain in the regiment, could not command their loyalty and held no standing to prevent them from carrying out their plunder. Should he persist in his attempts to interfere they would return in the

⁴⁶ Frederick, in his grievances to Maximilian, and captain Moran, in his deposition at Heidelberg, each described their versions of the events, KuBay ÄA 2229 fol. 261, February 14, 1623, count of Leiningen to the Kriegsrat and Maximilian; KuBay ÄA 2229 fol. 263-266, March 4, 1623, the Kriegsrat and Maximilian to the Count of Leiningen; KuBay ÄA 2229 fol. 272-273, June 6, 1630, count of Leiningen and Count Palatine Wolfgang Wilhelm to Maximilian.

⁴⁷ Moran gives an account in his deposition, KuBay ÄA 2229 fol. 263-266, March 4, 1623, the Kriegsrat and Maximilian to the Count of Leiningen.

⁴⁸ Ibid.

morning, break into the Emichsburg, and defenestrate him from its highest window. By placing in their mouths a reference to the Prague defenestration, Moran implied that his intervention had, in fact, constituted an illegitimate attempt by outside authorities to deny them their liberties and privileges.

Moran quickly made his retreat and sought help from colonel Courtenbach, he claimed, who had established his headquarters nearby.⁴⁹ Courtenbach declined to intervene, however, on the same grounds the marauders had given, namely that he himself held no more standing to stop them than did Moran. He suggested that Moran find their own captains or, failing that, colonel Pappenheim, the only officers who could compel them to respect the *Salva Guardia*.

Courtenbach did allow that Moran could challenge them with his own men, if he insisted, and force them to desist by attacking them.⁵⁰ Courtenbach himself refused to supply any captains from his own regiment to help with such hostile action, however. Wallenstein had incurred widespread disrepute among League officers that summer for trying the very same methods against Pechmann's, Aldringen's and Sprinzenstein's recruits in Bohemia. Courtenbach refused to let Moran involve him or his captains in similar action against Pappenheim's men.

Moran deferred to Courtenbach's judgment and decided he should seek Pappenheim's own help to stop the horsemen. He returned to the Emichsburg by early

⁴⁹ Ibid.

⁵⁰ Ibid.

morning and prepared to depart in haste. In the meantime, however, it seems the riders decided to make good on their earlier threats. Before Moran could leave he found the castle surrounded by somewhere between 1,000 and 2,000 troops intent on plunder.⁵¹ He gathered Frederick and Maria Elizabeth into his custody, stationed his own men and a few servants to hold the entries, then ushered his charges through a secret postern and made their escape. Soldiers quickly overcame the guards, forced their way into the Emichsburg and took away all they could carry.

Several months passed before count Frederick could lodge his formal complaint with Maximilian.⁵² He and his jurisdictions had remained loyal, he explained, had rendered no assistance to the rebels, and had moreover concluded their own *Salva Guardia* contract with Maximilian. By rights the imperial and League armies should have accorded them protection from peace-breakers, not despoiled them. Frederick asked Maximilian to have his war council conduct formal inquiries so he and his ruined villagers could receive appropriate compensation for their damages.

Maximilian referred grievances like Leiningen's to his new occupation government at Heidelberg.⁵³ Officials on its board would, like the Amberg regime before them, follow up on complaints in order to placate the Palatine estates and ensure good policy under the duke's rule. In Leiningen's case Herliberg and several commissioners

⁵¹ Ibid.

⁵² KuBay ÄA 2229 fol. 261, February 14, 1623, count of Leiningen to the Kriegsrat and Maximilian.

⁵³ KuBay ÄA 2229 fol. 263-266, March 4, 1623, the Kriegsrat and Maximilian to the Count of Leiningen

arranged to conduct a formal investigation. Herliberg summoned captain Moran to Heidelberg and questioned him about his role in the affair. Clerks took down Herliberg's queries and Moran's answers in transcripts for the war council, then sent copies to count Frederick for his review.⁵⁴

In their interview Herliberg helped Moran construct his harrowing tale, recounted above, for Maximilian's and Leiningen's eyes. Moran insisted he had tried every means at his disposal to stop the marauders short of attacking them. Most importantly he appealed to their obligation to uphold the good word their colonel and warlord had given to spare Leiningen's lands. He tried to show in his narrative that he could not, in the end, interfere in another captain's effort to provide for his company. Moran's or any other outsider's attempt to intrude in another officer's command would require violent confrontations between his men and theirs and would likely diminish both their reputations. His narrative suggested by implication that Maximilian, too, should refrain from further attempts to interfere if he expected captains to keep their companies together.

In order to placate the count, meanwhile, the duke's commissioners continued their investigation.⁵⁵ Starzhausen sent several agents to Kleinbockenheim to assess the damages Pappenheim's riders had inflicted. His men worked with the parish priest to reconstruct an inventory for what they had taken from the Leiningen jurisdictions. Their

⁵⁴ Letter and deposition, *ibid.*

⁵⁵ KuBay ÄA 2229 fol. 283-397, June 8, 1623, inventories from the Count of Leiningen to Maximilian.

reports suggest that Pappenheim's captains followed the same behaviors other officers had used in Erbach and Limburg to secure local supremacy.

Pappenheim's men seem to have gone, first, for ordinary forage goods like grain, fruit, wine casks, hay for the horses, and sundry provisions.⁵⁶ Left unchallenged they soon plundered the villages for valuables, household items, clothes, loose coin, and any other goods they could lay hands on. Several horsemen broke into the parish church, brutalized the priest, then looted the sanctuary for candles, gold and silver wares, other ornaments, and even carried away the baptismal font. Officers then secured the church bells, designated in regulations as war matériel that could be melted down into cannon, as well as any horses they could find for the regiment. Soldiers who broke into the Emichsburg took furniture, jewelry, and other valuables estimated to be worth around 140,000 guilders.

In total Starzhausen assessed Leiningen's collective damages at nearly 340,000 guilders between the villages and the count's residence.⁵⁷ Once the soldiers completed their raid they extorted a further 50,000 guilders in protection money from the locals, a practice normally reserved, like plunder, for enemy lands. Maximilian assured Leiningen the culprits would be found, exemplary punishment rendered, and restitution made to cover the damages.

⁵⁶ Ibid.

⁵⁷ Ibid.

Herliberg and the other commissioners seem to have taken no further action beyond their initial inquiries, however. Six years later the count had still received no further word from them on his claims. League troops meanwhile continued to billet on Leiningen's lands throughout the 1620s.⁵⁸ In October, 1628, Frederick reiterated his grievances to the Heidelberg administration. Maximilian reassured the count he had so far done everything in his power to redress his damages.⁵⁹ His commissioners had tried to identify the culprits so that his officers could force them to make restitution, then render exemplary punishment.

Unfortunately, Maximilian continued, too many years had passed since the incident to reliably identify the culprits.⁶⁰ Soldiers other than Pappenheim's may have participated, and in any event some might have left the army altogether in subsequent campaigns. Maximilian would nonetheless have his administration continue the search and inform Frederick when they had progress to report.

Two years later Frederick once again petitioned Maximilian for restitution.⁶¹ He obtained, this time, an intercession from count Wolfgang Wilhelm of the Palatinate-Neuburg, a prominent Catholic prince allied to Bavaria through his marriage to Maximilian's daughter Magdalena. Wolfgang Wilhelm insisted that the League's

⁵⁸ Described in Maximilian's letter to the count, KuBay ÄA 2229 fol. 267-268, November 3, 1628, Maximilian to the Count of Leiningen.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ KuBay ÄA 2229 fol. 272-273, June 6, 1630, count of Leiningen and Count Palatine Wolfgang Wilhelm to Maximilian.

billeted troops had ruined Frederick's subjects beyond their means for basic subsistence. He asked Maximilian to grant the count some restitution from the ducal treasury in consolation for his losses.

Maximilian acknowledged the intercession but repeated, again, that his commissioners continued to look for the culprits.⁶² Once found they would be punished and forced to make restitution as individuals. Maximilian, his officers and commissioners could easily ignore crimes committed by elusive, anonymous culprits who could neither be caught nor forced to make restitution. Their strategy worked so long as they continued to insist that soldiers be held accountable as individuals rather than by company or regiment. Maximilian's tentative new policy allowed him to refrain from proceeding against officers or interfering in their ability to maintain the men under their command.

Custody and Jurisdiction: Disputes and Escalation between Officers and Authorities

In situations when local magistrates tried to fight back or take soldiers into custody officers took up the sword to defend their men and their command prerogatives. Often their disputes followed careful escalation patterns that resembled minor feuds over jurisdiction. In Erbach, for example, count Ludwig described how he and his officials became embroiled in an escalating conflict with Anholt's troops. Several violent disputes between Pappenheim's captain Dietrich von Puttberg, on the one hand, and local

⁶² KuBay ÄA 2229 fol. 270-271, August 17, 1630, the Kriegsrat and Maximilian to the Count of Leiningen.

authorities who tried to apprehend his soldiers, on the other, further illustrate this dynamic.⁶³

During his first dispute, at Mindelheim in western Bavaria, Puttberg explained to Maximilian why he resisted efforts by the duke's own officials to claim jurisdiction over his men. Over the summer Maximilian's local *Pfleger* at Mindelheim charged that Puttberg had allowed his cavalry stationed there to engage in highway robbery against the duke's subjects. Puttberg had taken no action to stop them or curb their behavior, he claimed, so he demanded instead that the captain allow him to participate in the investigation. He insisted that Puttberg allow him to bring several plaintiffs to his headquarters, let them identify the culprits by sight themselves, then summarily hang them on the spot under the *Pfleger*'s supervision.

Puttberg refused him outright, however, and declined to entertain the *Pfleger*'s further claims against his troops. Maximilian, unwilling to ignore infractions against his own subjects, ordered the captain to explain his actions.⁶⁴ Puttberg replied, first, that he had done everything in his power to enforce Maximilian's discipline policies.⁶⁵ He kept his men in good regiment, for the most part, he said, and had forbidden them from taking liberties with Maximilian's subjects. On those occasions when he received complaints he

⁶³ Recounted in letters and complaints, KuBay ÄA 2261 fol. 262-263, July 14, 1622, Maximilian to Puttberg and Luilsdorf; KuBay ÄA 2261 fol. 264-268, July 20, 1622, Puttberg to Maximilian; KuBay ÄA 2261 fol. 271-272, July 19, 1622, Obervogt of the Markt Nieder-Reinach to Maximilian; KuBay ÄA 2261 fol. 264-268, July 20, 1622, Puttberg to Maximilian

⁶⁴ KuBay ÄA 2261 fol. 262-263, July 14, 1622, Maximilian to Puttberg and Luilsdorf.

⁶⁵ KuBay ÄA 2261 fol. 264-268, July 20, 1622, Puttberg to Maximilian.

made every effort to identify the culprits, force them to make restitution, and render exemplary punishment as required.

Mindelheim's *Pfleger*, on the other hand, had made outrageous demands that impinged on the captain's command authority, he said. Puttberg would not relinquish his prerogative over discipline in his own company, nor would he tolerate the *Pfleger*'s effrontery and insult. No officer, he declared, should allow such a challenge to go unanswered.

Later that same month, in Alsace, Puttberg defended his soldiers against the *Obervogt* for Reinach, who tried to capture and execute them for crimes committed in his jurisdictions.⁶⁶ Freiburg's victual ordinance called for Reinach, just across the Rhine to the south, to provide Puttberg's company with fodder for their horses. Puttberg and his men refused to content themselves with the ordinance's provisions, however, according to the *Obervogt*.⁶⁷ He claimed their quartermaster insisted the town authorities turn over more fodder and daily wine rations than regulations allowed. Soldiers also demanded that the city fathers turn over large casks filled with their best wine so they could gift them to their captain, in his esteem (*verehrung*).

Outright the *Obervogt* refused their demands and tried to send them on their way. Puttberg's men, not to be deterred, threatened to return with a large party, burn Reinach

⁶⁶ Puttberg and the *Obervogt* each give Maximilian their own version of events in their respective letters after-the-fact, and each references earlier letters, perhaps lost, to support their claims and rebut the other's allegations, KuBay ÄA 2261 fol. 271-272, July 19, 1622, *Obervogt* of the Markt Nieder-Reinach to Maximilian; KuBay ÄA 2261 fol. 264-268, July 20, 1622, Puttberg to Maximilian.

⁶⁷ Following letters from Puttberg and the *Obervogt*, *ibid*.

to the ground, and slaughter its entire citizenry unless he met their terms.⁶⁸ He believed their threats exaggerated, at first, but soon the horsemen began to warn him through sudden attacks against local people. One rider in particular, Hans Friedrich von Engelschal, reportedly beat, stabbed and otherwise injured four people by himself.

Once eyewitnesses began to report more incidents to the town magistrates the *Obervogt*, finally fed up, decided to make an example of Engelschal.⁶⁹ He gathered his own men and rode out to confront the marauders and clap Engelschal in irons. In the skirmish that ensued the Reinach men managed to drive the riders away and captured Engelschal. Puttberg's men claimed the *Obervogt* threw his captive into a makeshift pit for several days without food or water.

Puttberg refused, as before, to allow an outsider to usurp his prerogatives, and hastened to secure Engelschal's freedom from Reinach's custody.⁷⁰ He sent one of his corporals to represent him, convey his request and retrieve Engelschal from the *Obervogt*. In his letter to Maximilian the captain said he simply wished to take the soldier into his own custody, weigh the plaintiffs' grievances against him, then render punishment as appropriate.

Reinach's *Obervogt*, on the other hand, refused to consider the corporal's demands, claiming that crimes committed by soldiers in his district fell exclusively under

⁶⁸ Ibid.

⁶⁹ Following letters from Puttberg and the *Obervogt*, *ibid.*

⁷⁰ Ibid.

his own jurisdiction.⁷¹ In reply Puttberg sent his company's lieutenant to press the matter more forcefully, again to no avail. Soon the *Obervogt* began to construct a gallows where he intended to hang Engelschal and any other soldiers he caught engaged in unlawful acts.

In yet another escalation Puttburg rode all the way to Reinach in person to treat with the *Obervogt* and demand his man's release.⁷² He met only with further resistance from Reinach's officials. League soldiers, the *Obervogt* explained, had terrorized local subjects to the point that they lived in constant alarm. In order to ensure their safety and keep the roads free from banditry he had instructed them to carry their weapons at all times for protection. Watchmen would toll the bells when soldiers or brigands appeared and, upon alarm, armed subjects would assemble to repel them. He would treat soldiers no differently from common highwaymen, the *Obervogt* said, to be strung up along the roads to deter further crime.

Puttburg denounced the *Obervogt* as a vicious and arrogant rogue and, in outrage, sent his quartermaster to demand Engelschal's immediate release one last time. He invoked the duke's standing policy that soldiers should be investigated and punished by officers and commissioners alone. Rather than simply communicate the captain's wishes, however, the quartermaster threatened to kill the the *Obervogt*, so the official claimed,

⁷¹ Ibid.

⁷² Following letters from Puttberg and the *Obervogt*, *ibid.*

and to set the entire company loose on the town should he refuse.⁷³ Local officials remained defiant despite the threat and tried to send the quartermaster on his way.

Rather than leave quietly the quartermaster rode through town with his sword drawn, found the *Obervogt*'s wife and children, and threatened to cut them down on the spot unless the magistrates released Engelschal at once.⁷⁴ Town watchmen rushed to the family's aid and managed to free them from danger. Once they reached safety the *Obervogt* denounced Puttberg's entire company as a band of rogues and thieves, then had his watchmen drive the quartermaster and his entourage from town.

Puttberg explained to Maximilian in his letter that he now felt obliged to defend his and his company's honor against the *Obervogt*'s insults and challenges.⁷⁵ He gathered a large party and rode into Reinach to demand Engelschal's release once and for all. On their approach the *Obervogt* sounded the alarm and assembled armed subjects to oppose them. Puttberg declared, undeterred, that in light of the *Obervogt*'s insolence he saw little choice but to leave a permanent garrison at Reinach to wrest victuals from the populace by force. In response the *Obervogt* ordered his people to block all the routes in and out of town so the captain and his troops could not leave without having to fight their way through.

⁷³ Ibid.

⁷⁴ Following letters from Puttberg and the *Obervogt*, *ibid.*

⁷⁵ KuBay ÄA 2261 fol. 264-268, July 20, 1622, Puttberg to Maximilian.

Puttberg and the *Obervogt* had, through a patterned escalation process, transformed their custody dispute over Engelschal into a minor feud over jurisdiction. How they resolved their final confrontation remains unclear. In their subsequent letters to Maximilian both requested the duke's permission to claim custody over the prisoner.⁷⁶ In addition the *Obervogt*, for his part, had asked that he be allowed to detain the captain, his officers and men until they had rendered due restitution to Reinach and its people. Maximilian made no reply, however, and given similar events elsewhere it seems unlikely that the *Obervogt* got his way.

Conclusion

Maximilian's war councilors remained committed to his disciplinary policies despite the duke's own reluctance to attempt further enforcement. Shortly after the new year, in 1623, they offered their views on how he might compel officers to enforce better regiment.⁷⁷ His best hope, they felt, lay in regular reimbursement to help officers with their expenses. Captains otherwise had little choice but to support their men through free booty. Being finance ministers the war councilors relied largely on reports from officers, rather than their own experience, to arrive at their opinions.

⁷⁶ Following letters from Puttberg and the *Obervogt*, KuBay ÄA 2261 fol. 271-272, July 19, 1622, Obervogt of the Markt Nieder-Reinach to Maximilian; KuBay ÄA 2261 fol. 264-268, July 20, 1622, Puttberg to Maximilian.

⁷⁷ KuBay ÄA 2251 f 167-172, January 21, 1623, Kriegsrat to Maximilian.

Failing reimbursement, they advised, Maximilian should simply crack down on the troops through sterner enforcement measures. He should order officers to keep their billets in enclosed, well-supervised areas where commissioners could conduct regular visitations. Commissioners should also post leaflets pronouncing the duke's ban against further spoliation on pain of corporal punishment. Second, he should send each regiment at least one Capuchin monk to reach the soldiers' "hearts," persuade them to change their ways, and administer punishment should they persist in sinful conduct.

Third, Maximilian should inform officers he would hold them personally responsible for infractions. He would compel officers, not their men, to make restitution for their soldiers' damages from their own purses. In addition he should sanction any direct reprisal subjects decided to exact against those soldiers who abused them. Lastly he should start to heed the grievances local authorities lodged against his army and force those officers responsible to make restitution.

Maximilian largely ignored the war council's recommendations, however. During his negotiations over reimbursement, investment and discipline throughout the spring and summer Maximilian had, by the autumn of 1622, largely given up on trying to enforce his earlier disciplinary policies. He had come to realize that officers used the search for spoils as an opportunity not just to provide for their men, but to demonstrate their leadership and bolster their reputations. They refused to tolerate any interference in their commands from outsiders, even other captains and colonels, and they took up the sword on their men's behalf to shield them from local justice.

By year's end Maximilian and his commissioners had adopted officers' own tactics to avoid responsibility when faced with grievances and petitions against their soldiers' conduct. Most often they either claimed the investigation remained underway, the culprits could not be found, that no wrongdoing had taken place, or they ignored complaints altogether. In the years after 1622 Maximilian would cede officers even broader prerogatives to take spoils as they desired and, eventually, grant them permission to use plunder in formal substitute for reimbursement.

CHAPTER 5: CONTRIBUTIONS AND MANAGEMENT, 1623-1626

By the new year in 1623 Maximilian had become fully committed to his new investment policy. Most officers had decided to cooperate, but many others continued to resist and, between 1623 and 1624, forced Maximilian to grant them nearly unchecked control over their commands and the army's operations in the field.

Maximilian guaranteed, first, that their commands would remain standing for the war's duration to protect their investment. Second, the duke promised that his commissioners would hold no further musters or formal recruitment drives, but instead entrust each unit's welfare, management and maintenance to the colonels and captains. Third, and perhaps most importantly, Maximilian granted his commanders explicit permission to take illegal spoils in substitute for his reimbursement. He would allow them to plunder at will, often under the guise of contributions, without restriction or oversight from his administration. In exchange Maximilian's contractors assumed from him nearly all responsibility for the army's financial upkeep for the time being. Maximilian and his officials would accept no resignations until the commander in question had found a successor to assume responsibility for his company or regiment.

In 1625 and 1626, however, even the most willing officers had begun to find outright investment far too ruinous to remain sustainable much longer. Captains expressed concern that their companies had begun to fall apart. Many resorted to lavish pillage to keep their men together and went to extraordinary lengths to prevent desertion. Late in 1624 Tilly decided to levy emergency contributions in occupied Hessen to help ease the burdens on League contractors. League officers continued to struggle, however,

until they began to collect imperial contribution revenues, at first sporadically in late 1625 when Wallenstein first introduced them, then more systematically after 1626. Contributions enabled officers to fulfill obligations to their men as they saw fit without having to worry about the delicate balance between legitimate maintenance and illegal plunder. Imperial contributions remained the principal basis for war finance until the war's conclusion in 1648 and demobilization in the early 1650s.

Rejections and Warning: Pressure, Resistance and Mutiny in Anholt's Army

Over the winter and throughout the new spring, 1623, Anholt's commanders continued their efforts to establish the League's supremacy in Westphalia.¹ Maximilian soon found, however, that the small cash consignments he allowed to trickle their way could no longer placate them. Many rejected the payments outright as an insult and redoubled their demands for reimbursement. In their hunt for spoils some officers treated their men to lavish pillage and took conscious example from Mansfeld, famous among soldiers for his piratical war economy, to shore up their reputations and resources. Maximilian made sporadic attempts to discourage mischief and illegal plunder, as he always had, but he could offer them no relief from their burdens until Tilly occupied Hessen later that year.

Maximilian recognized he would need more sustainable solutions beyond simply asking his officers to pour their private wealth endlessly into his forces. In an effort to

¹ On the 1623 campaigns see Michael Kaiser, *Politik und Kriegführung. Maximilian von Bayern, Tilly und die Katholische Liga im Dreißigjährigen Krieg* (Münster: Aschendorff, 1999), 241-243; C.V. Wedgwood, *The Thirty Years War* (London: Jonathan Cape, 1938), 180-185; and Peter H. Wilson, *Europe's Tragedy: A History of the Thirty Years War*, (London: Penguin, 2009), 339-344.

secure more funds Maximilian convened the League diet at Regensburg in February, 1623, in parallel session to the deputation Ferdinand had initiated the previous year in December.² His representatives tried to make the case that League members should undertake more earnest efforts to contribute their fair share to the army's upkeep.

Shortly after the new year Maximilian faced the further prospect that he might need to enlarge the army yet again, as he had done each spring since the war's outset, to consolidate his occupations and strengthen his field armies for new offensives. Mansfeld and prince Christian had each refused Ferdinand's clemency offers and dashed any hope for a negotiated peace.³ Both commanders resolved to fight on another year in Frederick's cause and continued to rebuild their armies in Westphalia and Lower Saxony. Tilly meanwhile remained tied down in the Palatinate, encamped at bitter siege around Frankenthal, Frederick's last stronghold in the region. He could send no one north to help Anholt until he had taken the fortress and reduced further resistance to Maximilian's occupation.

In the meantime Lindlo tried to convince Maximilian to moderate his investment policy by appealing to the duke's reputation. He reported that Anholt's men had begun to press their claims to reimbursement more forcefully than before.⁴ League members became routine targets as officers began to exact regular provisions from them,

² See Wilson, *Europe's Tragedy*, 340.

³ On the 1623 campaigns see Michael Kaiser, *Politik und Kriegführung*, 241-243; Wedgwood, *Thirty Years War*, 180-185; and Wilson, *Europe's Tragedy*, 339-344.

⁴ KuBay ÄA 2260 fol. 158-159, January 18, 1623, Lindlo to Maximilian.

particularly Cologne's lands in Westphalia. In addition they dared physical threats against the duke's representatives. Lindlo described how some soldiers had tried to cut down commissioner Burhus in the open, and that Burhus himself had begun to suffer declining health during his duties.⁵ In January, when Maximilian sent more coin to help satisfy Anholt's cavalry commanders, Lindlo told him the horsemen threw the pieces back in disgust, insulted at the paltry sums, and threatened to desert the army altogether.⁶ Lindlo worried that the duke's apparent parsimony constituted a slight to his officers' quality and service and would undermine their future efforts to recruit more men.

Many officers tried to bolster their reputations through lavish requisitions on their men's behalf.⁷ De Fours, for example, became notorious among Cologne's officials for his regiment's demands upon local subjects.⁸ He took his headquarters in residences and palaces without permission, they said, confiscated their goods to support his own household, and let his horsemen claim billets anywhere that suited them. His methods resembled those used by Wallenstein, Pechmann, Aldringen and Sprinzenstein in Bohemia the year before to show good support to their men.

⁵ Ibid.

⁶ Ibid.

⁷ Maximilian discusses with Anholt the reports he has received, KuBay ÄA 2281 fol. 178, January 19, 1623, Maximilian to Anholt.

⁸ Maximilian discusses, KuBay ÄA 2281 fol. 161-162, January 1, 1623, Maximilian to Anholt; KuBay ÄA 2281 fol. 178, January 19, 1623, Maximilian to Anholt.

Lindlo urged Maximilian to meet his officers' demands before they caused the villagers to stage a full-scale uprising against his soldiers.⁹ Not only did League troops harm the duke's reputation when they alienated the local authorities, he said, they inadvertently aided Mansfeld's and prince Christian's clandestine recruitment efforts in the region. Townspeople and villagers either fled Westphalia altogether or joined the rebel armies to oppose their tormentors.¹⁰ Soldiers would need better recompense if Maximilian expected them to stop. Lindlo felt the duke could restore their affection for the House of Bavaria, lift their courage to face the enemy, and stop their plunder, if only he sent them what he owed before the new year's campaign got underway.

In deference to Lindlo's judgment Maximilian sent another small cash convoy, but his token gesture only enraged his officers further, Lindlo said.¹¹ He reported that they declared they would never again accept such an insult, not if the duke sent another hundred orders. Some replied with more brazen abuse toward Maximilian's representatives. Horsemen burst into Burhus' lodgings, assaulted the commissioner's person and threatened to run him through unless they saw better support from their warlord, Lindlo said.

⁹ KuBay ÄA 2260 fol. 142, January 19, 1623, Lindlo to Maximilian.

¹⁰ Lindlo's claim, *ibid.*

¹¹ Maximilian and Lindlo discuss, KuBay ÄA 2260 fol. 140-141, January 30, 1623, Maximilian to Lindlo; KuBay ÄA 2260 fol. 140-141, January 30, 1623, Maximilian to Lindlo.

Lindlo warned Maximilian he had seen soldiers use similar tactics before during his service in Hungary in prelude to mutiny.¹² By physical violence against their warlord's representatives they showed that they would not tolerate their conditions much longer. Lindlo further insisted that the duke's poor support had truly cost his officers their reputations and credit among their men. Commanders dare not impose better regiment lest they lose control entirely. One captain had already been attacked by his own men and might have been killed if not for his bodyguards, Lindlo reported.¹³

In addition Lindlo had heard soldiers grumble that they should take example from Mansfeld's men and simply sack the Westphalian towns as needed.¹⁴ By now they posed such a menace that authorities throughout the region barred their gates, even against the colonels. Should they decide upon general mutiny Lindlo feared they would take their own officers hostage, march on Bavaria itself and pillage their recompense directly from the duke's own lands. Their dereliction would bring about defeats and open the way for Mansfeld and prince Christian to overrun Westphalia and Cologne.

Should Maximilian persist with his investment policy, Lindlo concluded, he would eventually ruin the reputation of every officer in his service.¹⁵ Lindlo himself claimed to have depleted his own credit merely by trying to convince the duke's

¹² KuBay ÄA 2260 fol. 136-139, January 13, 1623, Lindlo to Maximilian; KuBay ÄA 2260 fol. 161-163, January 30, 1623, Lindlo to Maximilian.

¹³ Lindlo describes, KuBay ÄA 2260 fol. 161-163, January 30, 1623, Lindlo to Maximilian.

¹⁴ Ibid.

¹⁵ Ibid.

commanders to cooperate. Lindlo had staked his reputation on Maximilian's promises, he said, in his efforts over the past two years to keep Anholt's men in good devotion to the House of Bavaria. Each time Maximilian failed to deliver on his obligations Lindlo's standing declined, and now his good word no longer held as much weight as it once had. Several days prior to his report, he claimed, one of his own men had burst into his headquarters to confront him about recompense. Neither he nor Anholt himself could keep mutiny at bay much longer, he pleaded, unless Maximilian could deliver full arrears to the officers under Anholt's command, and thereby suspend his investment policy for the time being.

Maximilian might help officers recover their reputations, Lindlo suggested, by offering them advancement to reward their investment and service.¹⁶ Lindlo himself might regain his own lost esteem if the duke would only agree to award him a higher charge as the army's Major General of the Infantry. Maximilian's favor would enhance Lindlo's standing and lend his assurances more authority until he could send the army its full arrears.

Should Maximilian decline his request, on the other hand, Lindlo would prefer to retire to his estates rather than remain with the army, he said.¹⁷ He served foremost to show his quality and advance his own and Maximilian's honor and reputation, he said.

¹⁶ Lindlo and Maximilian discuss throughout the winter, spring and into the summer, KuBay ÄA 2260 fol. 136-139, January 13, 1623, Lindlo to Maximilian; KuBay ÄA 2260 fol. 165, February 14, 1623, Lindlo to Maximilian; KuBay ÄA 2260 fol. 184-186, March 9, 1623, Lindlo to Maximilian; KuBay ÄA 2260 fol. 215, June 29, 1623, Maximilian to Lindlo; KuBay ÄA 2260 fol. 233, August 8, 1623, Lindlo to Maximilian.

¹⁷ KuBay ÄA 2260 fol. 165, February 14, 1623, Lindlo to Maximilian.

Lately, however, the army's deteriorated condition left little glory to be found in League service, and little credit to Maximilian's name. Lindlo would rather leave altogether than incur further discredit in his efforts to persuade other warriors to remain. Other officers felt the same way, he claimed, and would rather resign like him than risk losing any more reputation than they had already done.¹⁸

In reply Maximilian tried to negotiate with Lindlo and Anholt's men using the same strategies and inducements he had developed over the previous year.¹⁹ He told Lindlo to remind the colonels and captains that he expected them to show their loyalty and quality by supporting their own troops until he could find the funds to repay them.²⁰ Under no circumstances should they engage in mischief or refuse to fight the enemy merely to coerce him into granting their demands. His convoys had already indulged them with far more money than they needed, he said, despite the challenges they faced getting through to far-flung garrisons and field troops. Further efforts on their part to press him for reimbursement would meet with his stern displeasure.

¹⁸ Lindlo discusses, KuBay AA 2260 fol. 165, February 14, 1623, Lindlo to Maximilian; KuBay AA 2260 fol. 175, February 19, 1623, Lindlo to Maximilian.

¹⁹ Negotiations proceeded throughout February, 1623, KuBay AA 2260 fol. 145-146, February 7, 1623, Maximilian to Lindlo; KuBay AA 2260 fol. 148-149, February 10, 1623, Lindlo to Maximilian; KuBay AA 2260 fol. 155-157, February 11, 1623, Maximilian to Lindlo; KuBay AA 2260 fol. 165, February 14, 1623, Lindlo to Maximilian; KuBay AA 2260 fol. 171-172, February 17, 1623, Lindlo to Maximilian; KuBay AA 2260 fol. 175, February 19, 1623, Lindlo to Maximilian; KuBay AA 2260 fol. 168-170, February 26, 1623, Maximilian to Lindlo.

²⁰ KuBay AA 2260 fol. 145-146, February 7, 1623, Maximilian to Lindlo; KuBay AA 2260 fol. 155-157, February 11, 1623, Maximilian to Lindlo; KuBay AA 2260 fol. 168-170, February 26, 1623, Maximilian to Lindlo.

Maximilian further hinted, for the first time, that officers might gain his tacit permission to support their investment through illegal spoils. He knew they already allowed their men free booty outside the law, he said, and ignored their duty to punish infractions as he had ordered.²¹ Captains therefore held in their power sufficient means to satisfy their troops as they pleased without demanding further funds from his treasury.

Commanders nonetheless ignored Maximilian's admonitions, continued to press for reimbursement, and broadened their plunder to include Cologne's Westphalian lands.²² Maximilian conceded, once again, that he knew officers needed to let their men take spoils to sustain their investment, but he refused to tolerate their depredations in his brother the archbishop's lands.²³ Cologne's people had provided the army with aid and supplies in good faith, he said, and did not deserve to have their goods, in particular their horses, stolen from them. He ordered Anholt to stop the soldiers at once and hang anyone caught engaged in robbery.

In reply Anholt worried that he, too, like Lindlo, had begun to lose respect and credit among his officers and soldiers.²⁴ He felt his promises would no longer carry any weight unless the duke delivered on his obligations. His cavalry in particular had become

²¹ Maximilian discusses, KuBay ÄA 2260 fol. 145-146, February 7, 1623, Maximilian to Lindlo; KuBay ÄA 2260 fol. 155-157, February 11, 1623, Maximilian to Lindlo; KuBay ÄA 2260 fol. 168-170, February 26, 1623, Maximilian to Lindlo.

²² Maximilian and Lindlo discuss, KuBay ÄA 2260 fol. 168-170, February 26, 1623, Maximilian to Lindlo; KuBay ÄA 2281 fol. 262-263, March 21, 1623, Maximilian to Anholt.

²³ Maximilian's orders to Anholt, KuBay ÄA 2281 fol. 254-255, March 4, 1623, Maximilian to Anholt; KuBay ÄA 2281 fol. 262-263, March 21, 1623, Maximilian to Anholt.

²⁴ Anholt discusses, KuBay ÄA 2281 fol. 282-284, April 3, 1623, Anholt to Maximilian.

too outraged to resume good discipline until satisfied. He would nonetheless summon the colonels and captains and remind them to keep better discipline in their regiments.

Many officers in Anholt's army continued to lodge complaints throughout 1623, but by mid-spring most realized they would need to continue their investment if they hoped to participate in the summer campaign.²⁵ In March the English garrison at Frankenthal surrendered the fortress, evacuated their positions, and ceded League forces unchallenged control in the Palatinate. Soon thereafter, in April, Tilly advanced his army north into Hessen and occupied the Wetterau region.²⁶ Since the previous year Moritz of Hessen-Kassel, a Calvinist, had used the war's pretext to annex lands around Marburg from his Catholic neighbor and rival, Hessen-Darmstadt. On Maximilian's orders Tilly guarded Marburg against further incursions by Moritz and then, in May, forced Moritz to begin restoring Darmstadt's lands.

Once Hessen had been secured both armies began to prepare their troops for the coming fight against Mansfeld and prince Christian in Lower Saxony.²⁷ By late spring most officers had dropped their objections to Maximilian's investment policy and began

²⁵ Maximilian, and Lindlo discuss, KuBay ÄA 2260 fol. 184-186, March 9, 1623, Lindlo to Maximilian; KuBay ÄA 2260 fol. 180-182, March 19, 1623, Maximilian to Lindlo; KuBay ÄA 2260 fol. 191, March 21, 1623, Lindlo to Maximilian; KuBay ÄA 2260 fol. 204-205, May 20, 1623, Lindlo to Maximilian; KuBay ÄA 2260 fol. 208, May 22, 1623, Lindlo to Maximilian.

²⁶ On Tilly's occupation in Hessen-Kassel see Wilson, *Europe's Tragedy*, 341.

²⁷ On the 1623 campaigns see Kaiser, *Politik und Kriegführung*, 241-243; Wedgwood, *Thirty Years War*, 180-185; and Wilson, *Europe's Tragedy*, 339-344.

to work out suitable new arrangements with the duke through Lindlo.²⁸ In March and April they invested what Lindlo considered tremendous sums to refit and rebuild their commands. Most agreed to provide weapons, equipment, supplies, and recruitment costs entirely on their own account. In the end they would rather face debt and ruin than miss the opportunity to fight with distinction, show their quality and further advance their reputations.

Management and Autonomy: Maintenance, Recruitment and Succession

Despite his successful negotiations that spring many officers continued to resist Maximilian's policies long into the summer months.²⁹ Most would gladly continue to support their men, they claimed, but they could no longer shoulder the costs, and they had begun to lose credit in the ranks. In their own support they cited the loyalty, quality and good service they had continuously shown through heavy investment in their commands over the years. On advice from Lindlo and his war council Maximilian plied them with enlarged commands, as he had done the previous year, and tried to guarantee them that they could keep their commands so long as they continued to invest. Rather than conduct musters, inspections or recruitment drives he would, over time, simply entrust each

²⁸ Lindlo worked out the new arrangements with Maximilian from March through July, 1623, KuBay ÄA 2260 fol. 184-186, March 9, 1623, Lindlo to Maximilian; KuBay ÄA 2260 fol. 191, March 21, 1623, Lindlo to Maximilian; KuBay ÄA 2260 fol. 204-205, May 20, 1623, Lindlo to Maximilian; KuBay ÄA 2260 fol. 229-230, July 21, 1623, Lindlo to Maximilian.

²⁹ Lindlo communicates his interactions with other officers to Anholt, and Maximilian mentions them later in the year, KuBay ÄA 2281 fol. 336-337, June 16, 1623, Lindlo to Anholt; KuBay ÄA 2281 fol. 342-343, June 17, 1623, Lindlo to Anholt; KuBay ÄA 2260 fol. 240-242, December 15, 1623, Maximilian to Lindlo.

company's welfare and maintenance to the responsible captains and colonels, and thereby allow them greater autonomy in how they managed their men.

Maximilian and his councilors first began to consider granting commanders greater explicit autonomy as they debated how to enlarge the army over the winter without sparking renewed crisis.³⁰ Councilors felt Maximilian should refrain from raising new regiments or engaging additional colonels. He should instead allow long-serving colonels to add new companies to their regiments and let captains recruit men for their companies at their own discretion. Under no circumstances should he try again to reform or disband anyone's command, as he had done in Bohemia, because doing so would only alienate his officers and discourage their investment.

In order to reduce their expenses Maximilian should take steps to spare his officers the competition and hostilities that had plagued their recruitment efforts in years past, councilors felt.³¹ He should make arrangements for captains recruit in Bavaria, the Palatinate, Upper Austria, and other regions under Maximilian's secure control, where enemy parties could not so easily harass them. Officers could also, for the same reasons, conduct recruitment in lands that belonged to prominent League members. Councilors suggested in particular the bishoprics of Bamberg and Würzburg in Franconia as well as the electorate-archbishoprics of Mainz and Trier in the Rhineland.

³⁰ KuBay ÄA 2251 f 158-165, January 3, 1623, Herliberg and Eisenreich to Maximilian; KuBay ÄA 2251 f 181-183, April 3, 1623, Kriegsrat to Maximilian.

³¹ Ibid.

Under no circumstances, however, should Maximilian continue to ignore wanton plunder simply to encourage further investment, his councilors felt.³² They urged him to crack down on the increasing tendency toward rampage and misconduct his armies had demonstrated over the past year. Colonels and captains should adhere more closely to the articles of war, they said, to show their devotion to Maximilian and to spare his reputation throughout the empire. Should the duke allow them to plunder with impunity his mandates would lose their force and his commanders would feel free to disrespect his orders at will.³³ Maximilian largely ignored the latter recommendation, however, because he recognized that officers would continue to exact pillage as the price for their support.

Maximilian decided, in addition, to reorganize his war council one last time to reflect the greater role war finance now played in his administration and statecraft.³⁴ He removed the council from the *Kofkammer*'s chambers and elevated its board into a new state department parallel to the *Hofrat* and *Kofkammer*. Maximilian left the War Council's duties unchanged, but he granted its members their own chambers, plus a new War Chancery (*Kriegskanzlei*) to complement the General Chancery in the field, and

³² Ibid.

³³ Ibid.

³⁴ On reforms see Cordula Kapser, *Die bayerische Kriegsorganisation in der zweiten Hälfte des Dreißigjährigen Krieges, 1635-1648/49* (Münster: Aschendorff, 1997), 101-108; Kaiser, *Politik und Kriegführung*, 15-61; Reinhard Heydenreuter, *Der landesherrliche Hofrat unter Herzog und Kurfürst Maximilian I. von Bayern (1598-1651)* (Munich: Beck, 1981), 178; August Damboer, *Die Krise des Söldner-Kapitalismus in Bayern unter Kurfürst Maximilian I. insbesondere in der Zeit des dreißigjährigen Krieges. Eine soziologischesche Studie* (Munich, 1921), and Dieter Albrecht, *Maximilian I. von Bayern 1573-1651* (Munich: R. Oldenbourg, 1998), 611-640.

their own bookkeeper's vault (*Hauptbuchhalterei*) to register and store important documents and records. Councilors from the *Hofkammer* remained on the board, but its presidency now fell to a delegate from the *Hofrat*, rather than the *Hofkammer* president.

Officers who continued to resist often asked Lindlo and Anholt to intercede with Maximilian on their behalf. Most tended to claim that the duke's policies had insulted them and failed, despite his concessions, to reward the good service they had rendered. De Fours, for example, told Anholt his men were at his throat for better support and demanded to know why Maximilian had treated their colonel with such disfavor.³⁵ One captain, Fontinelli, told Lindlo his men would refuse to fight until Maximilian sent him some cash.³⁶

In the end, however, de Fours and Fontinelli both dropped their objections as further evidence, they claimed, for their loyalty and devotion to Maximilian.³⁷ Both took pains to emphasize the great effort they had undertaken to persuade their men to cooperate and make do with their present maintenance. Fontinelli described how he had read the duke's orders aloud to his men several times until, despite repeated outcries in protest, his men finally agreed to subside.³⁸

³⁵ KuBay ÄA 2281 fol. 333-334, June 15, 1623, De Fours to Anholt.

³⁶ KuBay ÄA 2281 fol. 338, June 15, 1623, Fontinelli to Lindlo; KuBay ÄA 2281 fol. 339, June 16, 1623, Fontinelli to Lindlo.

³⁷ KuBay ÄA 2281 fol. 333-334, June 15, 1623, De Fours to Anholt; KuBay ÄA 2281 fol. 338, June 15, 1623, Fontinelli to Lindlo; KuBay ÄA 2281 fol. 339, June 16, 1623, Fontinelli to Lindlo.

³⁸ KuBay ÄA 2281 fol. 339, June 16, 1623, Fontinelli to Lindlo.

Maximilian refused, in addition, to consider holding further musters or recruitment drives for those officers who sought to refit their commands.³⁹ Many of these officers sought to avoid further investment and urged the duke to let them muster their regiments so they could claim reimbursement and undergo formal accounting by commissioners. Maximilian, on the other hand, understood that his investing commanders would prefer full discretion in decisions on how to manage and maintain their own men. He had commissioner Burhus explain to Anholt's men that the duke would hold no musters or recruitment drives until further notice.⁴⁰ Lindlo, on witnessing their reaction, feared his own men might assault him again, he said.

Several officers reacted as Lindlo had predicted and tried to resign from League service altogether. In Lindlo's own regiment two captains, Jonas Walon and Caspar de Rogier, asked his permission for severance.⁴¹ He granted their requests on his own authority, made out their passports and then, without Maximilian's authorization, issued them bills to be discharged at the pay office for their arrears. He later justified his decision on grounds that he considered both men well-known, capable warriors with good reputations in the army.

³⁹ Lindlo discusses the duke's policy with Anholt, KuBay ÄA 2281 fol. 336-337, June 16, 1623, Lindlo to Anholt; KuBay ÄA 2281 fol. 342-343, June 17, 1623, Lindlo to Anholt.

⁴⁰ Lindlo discusses Burhus' interactions with Anholt's men, *ibid.*

⁴¹ Maximilian discusses with Lindlo and receives petitions from Walon and Rogier, KuBay ÄA 2260 fol. 240-242, December 15, 1623, Maximilian to Lindlo; KuBay ÄA 2260 fol. 246-247, 1623, Supplication from Jonas Merman Walon and Caspar de Rogier to Maximilian; KuBay ÄA 2260 fol. 249-250, 1623, Supplication from Jonas Merman Walon and Caspar de Rogier to Maximilian.

Maximilian's paymasters rejected their applications, however, and disregarded the bills Lindlo had issued.⁴² Their instructions stated that no officers should be permitted to resign or receive arrears without Maximilian's direct approval. In effect they would remain stuck in service at the duke's pleasure indefinitely unless they gave up their claims on the treasury. In outrage Walon and Rogier threatened that they would return to Lindlo's headquarters and wring their cash from him by force unless they received their due, the paymasters said.⁴³ Their words suggest that Lindlo and Anholt had not exaggerated when they claimed their own reputations had suffered when Maximilian failed to deliver reimbursement.

Maximilian informed Lindlo about their threats and instructed him to take both captains into custody should they confront him.⁴⁴ He expressed concern that reputable officers like Walon and Rogier might undermine his policies if they encouraged others to follow their examples. In the future, Maximilian warned, Lindlo should never grant anyone permission to formally resign without his direct approval. Officers would remain in service unless they found successors who could assume command and, with it, financial responsibility for their companies and regiments.

⁴² Maximilian discusses with Lindlo, KuBay ÄA 2260 fol. 240-242, December 15, 1623, Maximilian to Lindlo.

⁴³ Ibid.

⁴⁴ Ibid.

In the meantime Walon and Rogier submitted two joint petitions to make their case for why they deserved recompense for their service.⁴⁵ Both had proven themselves loyal throughout the war, they said, and remained affectionate toward the House of Bavaria despite the poor recompense they had so far received. League service had afforded them plentiful opportunities to show their quality in the many victories Maximilian's armies had won. Walon and Rogier had each earned praise from their commanders and fame across the army for their conduct. Each would gladly serve until the war's conclusion to further advance their reputations.

In the past few months, however, they found themselves unable to support their men because their expenses had nearly ruined them, they said.⁴⁶ Unless they received some reimbursement they could no longer afford to offer reputable service and would rather retire to their new estates in Bohemia than incur disrepute. Once they had put their finances in order they would gladly return to take up arms in League service again. Should the duke refuse them, on the other hand, they would spread word throughout the army that Maximilian seldom offered his warriors due recompense except at his own convenience.

Walon and Rogier's petitions received no reply, however, and in time they seem to have dropped their complaints without result. In the meantime Maximilian, like his

⁴⁵ Petitions to Maximilian, KuBay ÄA 2260 fol. 246-247, 1623, Supplication from Jonas Merman Walon and Caspar de Rogier to Maximilian; KuBay ÄA 2260 fol. 249-250, 1623, Supplication from Jonas Merman Walon and Caspar de Rogier to Maximilian.

⁴⁶ Ibid.

officers, leveraged his own service as imperial commissioner to exact his due rewards from emperor Ferdinand. Ferdinand agreed to transfer the entire Palatinate, both Upper and Lower, from Frederick to Maximilian for the duke's entire lifetime.⁴⁷ Maximilian now sought only one final boon, hereditary rights to the Palatine lands and electoral title, to complete his dynastic aims.

Revenues from his new lands would help Maximilian fuel the army with more coin, but not enough to relax his investment policy. He obtained further help in July, 1623, when the League diet adjourned and agreed to grant him additional funds to maintain his troops.⁴⁸ Maximilian could use their money to provide his colonels and captains some welcome relief, if it ever materialized, but the estates had only granted him enough for 15,000 men, about half the ideal strength for one field army. With two field armies and countless garrisons from Austria to Westphalia Maximilian and his officers would continue to fund the army on their own.

Contributions in Hessen: Toward lasting Solutions

Early that summer, in June, Tilly moved his troops into northern Hessen and prepared to confront prince Christian and Mansfeld in Lower Saxony.⁴⁹ Both Tilly and Maximilian's

⁴⁷ On the Palatine lands and titles see Wedgwood, *Thirty Years War*, 158-163; and Wilson, *Europe's Tragedy*, 354-357.

⁴⁸ See Wilson, *Europe's Tragedy*, 340.

⁴⁹ On the 1623 campaigns see Michael Kaiser, *Politik und Kriegführung*, 241-243; Wedgwood, *Thirty Years War*, 180-185; and Wilson, *Europe's Tragedy*, 339-344.

councilors pressed the duke to enlarge his army yet again, twice in one year, to support the planned invasion. Maximilian had not yet concluded negotiations over how to support the troops already under arms, however, and could not countenance another increase. In the meantime many officers had begun to threaten mutiny all over again, not only in the field armies, but also in the occupation garrisons. Rather than request reimbursement this time, however, they asked for further command autonomy and, in particular, Maximilian's permission to take unrestricted plunder during their campaigns. Tilly spared Maximilian from having to make that concession, at least for the time being, when he decided to levy emergency contributions in occupied Hessen to help officers maintain their men.

In the war's earlier years the Lower Saxon estates, like most others in the empire, had tried to avoid direct involvement in the conflict, both to spare their lands its ravages and to avoid political consequences.⁵⁰ Rather than take steps to halt prince Christian's underground recruitment efforts, their governments allowed him to amass his new army in Halberstadt and Wolfenbüttel unhindered. In the emperor's view, however, their inaction bordered on open support for Frederick's cause. His representatives pressured them to crack down on Christian's recruitment and thereby show their commitment to uphold the public peace.

Rather than take sides, however, the Lower Saxons opted for armed neutrality instead. Their circle diet invoked the right to engage its own army and guard member

⁵⁰ On diplomacy involving the Lower Saxon circle see Albrecht, *Maximilian I*, 641-662; Kaiser, *Politik und Kriegführung*, 241-243; Wedgwood, *Thirty Years War*, 180-185; and Wilson, *Europe's Tragedy*, 339-344.

lands against all incursions by any belligerent forces, whether Maximilian's or Frederick's. By vote they decided to commission prince Christian himself as their commander and took his army on as their own. Their move gave Christian's recruitment a legal pretext and thereby absolved the Lower Saxons from any insinuation that they had rendered aid to Frederick, at least in theory.

Ferdinand, on the other hand, took their vote for open defiance. In June, 1623, he issued them an ultimatum.⁵¹ Unless they turned Christian over to accept the emperor's clemency Tilly would invade the Lower Saxon circle and take him into custody by force. Once Ferdinand issued his ultimatum both Tilly and Christian advanced their troops into the borderlands between Hessen and Lower Saxony and commenced to grapple throughout the summer.

Shortly before his campaign Tilly impressed upon Maximilian how few troops he could marshal to fight in the field.⁵² Between garrisons and detachments he could scrape together only 18,000 men before he risked weakening the League's occupation forces. He might be able to hold Christian on the border, but if he wanted to carry out the planned invasion into Lower Saxony he would need more fighters. Officers would gladly take on more men, he added, but they could scarcely afford the added expense. He requested, as he had done in 1622, that Maximilian send more coin to help his officers with their recruitment and maintenance.

⁵¹ On diplomacy involving the Lower Saxon circle see Albrecht, *Maximilian I*, 641-662; Kaiser, *Politik und Kriegführung*, 241-243; Wedgwood, *Thirty Years War*, 180-185; and Wilson, *Europe's Tragedy*, 339-344.

⁵² Tilly discusses his earlier letters, KuBay ÄA 2332 fol. 340-342, June 5, 1623, Tilly to Maximilian.

Maximilian denied Tilly's request, however, on grounds that he could not afford to send anything more from the war chests, and left him to make do with the troops available for the time being.⁵³ By August Tilly had nonetheless managed to gain the upper hand, defeated Christian in battle, and forced Mansfeld to retreat back into East Frisia, where he fortified the frontier against repeated League assaults. In late August Tilly encamped his troops to blockade the region and tried to break through Mansfeld's lines throughout the fall and winter.⁵⁴

In the meantime League soldiers once again began to threaten mutiny, not just in the field armies, as before, but in the garrisons as well. Tilly got reports from Heidelberg, for example, that troops there had begun to compare Maximilian unfavorably with Mansfeld.⁵⁵ Officials told him the *Statthalter's* men had gone about in the streets and shouted "Long live Mansfeld!" to all who would hear. Their cries sent a message similar to the one Lindlo had reported among Anholt's men, namely that soldiers could find better maintenance under Mansfeld, who allowed them to live freely from the land.

Tilly denounced their conduct as insolent, injurious toward the duke, against all "reputation, justice, honor, propriety and military discipline," (*wider alle Reputation, Recht, Ehrbare, Billichkeit, und alle Kriegsdisciplin*) and a threat to the entire army's

⁵³ Tilly discusses, KuBay ÄA 2332 fol. 340-342, June 5, 1623, Tilly to Maximilian.

⁵⁴ On diplomacy involving the Lower Saxon circle see Albrecht, *Maximilian I*, 641-662; Kaiser, *Politik und Kriegführung*, 241-243; Wedgwood, *Thirty Years War*, 180-185; and Wilson, *Europe's Tragedy*, 339-344.

⁵⁵ Tilly discusses, KuBay ÄA 2332 fol. 313-319, June 2, 1623, Tilly to Maximilian.

honor and renown.⁵⁶ He ordered the commissioners and officers to render exemplary punishment to any soldiers caught praising Mansfeld.

Maximilian and Tilly both realized, however, that League officers, having fought another campaign without reimbursement, now stood in desperate need for relief. Over the summer Ferdinand had revoked the mint consortium's license and restored the *Reichstaler's* silver content to pre-1622 purities.⁵⁷ Most officers had nonetheless counted on the planned invasion into Lower Saxony to provide them with opportunities to replenish their coffers through spoils. Now that they had defeated prince Christian their next chance might not come anytime soon.

Moritz of Hessen-Kassel, on the other hand, had already forfeited his neutrality when he tried to take Marburg from Darmstadt.⁵⁸ League troops could, in theory, establish control over his principality and allow Moritz to govern under duress while they used his lands to support their further campaigns. Hessen would provide an ideal regional base with steady billets, supplies and secure access into both Westphalia and Lower Saxony. In October Maximilian ordered Tilly to move detachments into Hessen-Kassel, force Moritz to disarm, and make arrangements for officials and troops to extract resources from his people.

⁵⁶ Tilly discusses, *ibid.*

⁵⁷ On the mint consortium and the *Kipper- und Wipperzeit* see Charles P. Kindleberger, "The Economic Crisis of 1619 to 1623," *Journal of Economic History* 51:1 (1991): 149-175; Günter Barudio, *Der Deutsche Krieg, 1618-1648* (Frankfurt: S.Fischer, 1985), 191-194; Wilson, *Europe's Tragedy*, 795-798, and Thomas Brady, *German Histories in the Age of Reformations, 1400-1650* (Cambridge: Cambridge University Press, 2009), 381.

⁵⁸ See Wilson, *Europe's Tragedy*, 341.

Once Tilly placed Hessen under his control he decided to implement emergency contribution levies, for the first time, to help officers support their troops.⁵⁹ In principle Maximilian and the League army had never deviated from those laws laid out in the 1570 Speyer articles that governed the use of military power to uphold the empire's constitution. Regulations entitled billeted troops to a small *Servis* from their lodgers, usually candles, salt, butter, and other necessities, but the rest they should pay for in coin according to prices fixed under the prearranged victual ordinance.⁶⁰ Commanders could also, when desperate for supplies, levy legal contributions as an extraordinary tax. Headquarters would issue requisition notices to local magistrates who would then collect the specified goods for the army. In each instance the affected circle's estates would appoint a commissioner to supervise the process on the diet's behalf.

In Hessen, Tilly's contribution mandates would call, in theory, for Moritz's own officials to collect cash and supplies for League troops on demand. In practice, however, League troops in billets and garrisons forced towns and local subjects to provide contributions directly rather than rely on Kassel's administration.⁶¹ In most cases contributions simply gave officers a legal pretext for extortion and pillage, and did little

⁵⁹ On Tilly's contribution levies see Fritz Redlich, "Contributions in the Thirty Years' War," *Economic History Review* 12 (1959-1960): 247-254; and Geoff Mortimer, "War by Contract, Credit and Contribution: The Thirty Years' War," in *Early Modern Military History, 1450-1815* (New York: Palgrave, 2004), 101-117.

⁶⁰ See Fritz Redlich, *De Praeda Militari. Looting and Booty, 1500-1815* (Wiesbaden: F. Steiner, 1956); and Kersen Krüger, "Kriegsfinanzen und Reichsrecht im 16. und 17. Jahrhundert," in *Krieg und Frieden: Militär und Gesellschaft in der Frühen Neuzeit*, ed. Bernhard Kroener and Ralf Pröve, (Paderborn: Schöningh, 1996), 47-58.

⁶¹ On Tilly's contribution levies see Redlich, "Contributions,"; and Mortimer, "War by Contract."

to alter the army's usual methods. Contributions transformed plunder into an extraordinary tax and thereby gave Maximilian a constitutional umbrella to allow his army to live from the land without further embarrassment or loss to his reputation. Tilly's measures in Hessen helped lay the groundwork for the financial system Wallenstein would develop two years later at Halberstadt.

Final Negotiations: Bargains of 1624

In 1624 Maximilian concluded the last major rounds of negotiation he would undertake with his commanders during the 1620s. In talks at Kronau over the winter and spring, where the duke tried, one final time, to disband or reform several regiments, he formalized the new autonomy in command he had granted his officers, incrementally, during the 1622 and 1623 campaigns.⁶² In exchange for their unfaltering investment he guaranteed that he would allow them to keep their commands as long as they wished, to oversee and direct as they saw fit, without interference from his administration. Should an officer wish to retire from service he must pass financial responsibility on to his successor so his company or regiment could remain standing. Last, and most importantly, he finally conceded them explicit permission to recoup their costs through

⁶² Talks at Kronau proceeded from winter, 1623, through spring, 1624, KuBay ÄA 2258 fol. 502-503, November 15, 1623, Maximilian to De Fours; KuBay ÄA 2248 fol. 582-583, March 10, 1624, Herliberg to Maximilian; KuBay ÄA 2248 fol. 586-590, March 22, 1624, Herberstorff, Herliberg to Maximilian; KuBay ÄA 2248 fol. 592-597, March 28, 1624, Maximilian to Herberstorff, Herliberg; KuBay ÄA 2258 fol. 512-513, April 4, 1624, Maximilian to De Fours; KuBay ÄA 2248 fol. 600-602, April 7, 1624, Herberstorff, Herliberg to Maximilian; KuBay ÄA 2248 fol. 611-613, April 26, 1624, Herberstorff, Herliberg to Maximilian.

illegal spoils in substitute for his own direct reimbursement. Dissenting officers launched their last major attempt to coerce reimbursement during the fall, but thereafter Maximilian seems to have ignored any further petitions or complaint from them.

Maximilian initiated his final talks during the winter when he decided to reform several weakened cavalry regiments and consolidate them into stronger commands. He appointed Herberstorff, Herliberg and del Maestro to form his disbandment commission and, this time, restricted talks to only five colonels, Lindlo, de Fours, del Maestro, Grana and Pappenheim.⁶³ Each stood among the duke's earliest investors and had, since at least 1622, convinced their officers to support their companies on their own accounts. Given their past cooperation he likely hoped they might hear his proposals out rather than drag his commissioners through extended grievances or mutinies. He invited the affected colonels, captains and soldiers' delegates to the table for secret talks to be held with his commission at Kronau.

Maximilian tried, first, to establish some agreement among the officers on how well he had rewarded their service thus far.⁶⁴ He suggested in his first proposal that they had more than made up for his arrears in the illegal plunder and requisitions they had taken from neutral and even League estates. Maximilian had tolerated their depredations

⁶³ Herliberg and Herberstorff discuss the duke's orders, KuBay AA 2248 fol. 582-583, March 10, 1624, Herliberg to Maximilian; KuBay AA 2248 fol. 586-590, March 22, 1624, Herberstorff, Herliberg to Maximilian.

⁶⁴ Maximilian and his negotiators, Herberstorff and Herliberg, discuss the proceedings at length in March and April, 1624, KuBay AA 2248 fol. 586-590, March 22, 1624, Herberstorff, Herliberg to Maximilian; KuBay AA 2248 fol. 592-597, March 28, 1624, Maximilian to Herberstorff, Herliberg; KuBay AA 2248 fol. 600-602, April 7, 1624, Herberstorff, Herliberg to Maximilian; KuBay AA 2248 fol. 611-613, April 26, 1624, Herberstorff, Herliberg to Maximilian.

to ensure they could support their soldiers, he said, and in so doing had discharged his obligations toward them. He proposed, in effect, that officers should take their license to plunder in more or less direct substitute for his own reimbursement. Should they compel him to deliver any further back pay he would issue not coin, but rather promissory notes redeemable at Frankfurt within three years, to ease the pressure on his treasury.

In their counter-reply Maximilian's officers insisted that spoils had nowhere near covered their expenses or satisfied their men.⁶⁵ Requisitions had simply kept them from ruin and prevented desertion among the troops. Should they attempt to reform their companies on Maximilian's terms their troops would threaten mutiny all over again and likely carry it out. Herberstorff and Herliberg indicated to Maximilian that officers feared, as before, that reformations would damage their credit and cause their men to lose faith in their leadership. They could not comply without alienating their officers and soldiers.

Herberstorff reiterated to them that Maximilian had allowed them to despoil entire cities and regions far in excess to what he owed them in reimbursement and back pay.⁶⁶ They had already earned great favor, praise and fame, he said, for the support they had provided for their troops so far. He suggested they could advance their reputations yet further if they covered Maximilian's arrears and agreed to the reformation he had proposed. Should they allow further objections or indulge mutiny, on the other hand,

⁶⁵ In their correspondence Maximilian, Herberstorff and Herliberg discuss officers and their counter-replies, *ibid.*

⁶⁶ Maximilian, Herberstorff and Herliberg discuss, *ibid.*

they could only bring discredit upon themselves, not to mention the duke and indeed the entire army.

Colonels and captains remained unpersuaded, however. Negotiations continued through into spring, 1624, without accord or resolution.⁶⁷ Maximilian's armies meanwhile spent the year trying to consolidate their gains in Hessen, Westphalia, both Palatinates and Upper Austria. In the months since their victories many of the League's allies and leaders had unfolded cautious pro-Catholic policies and nascent counter-reformations whose full extent became apparent only by mid-1624.⁶⁸ Soon the duke's occupation troops began to face increasingly bitter insurrection movements. In the meantime Frederick managed to bring the kings of England and Denmark into talks at the Hague to form a new alliance to continue his war effort.⁶⁹

In light of possible intervention from abroad and ongoing threats from insurrections Maximilian's councilors cautioned him against his efforts to negotiate reformations at Kronau. Lindlo, for his part, urged Maximilian to enlarge the army yet again, perhaps in an effort to spare his own regiment from being reformed.⁷⁰ He offered reasons similar to those Tilly had given the previous summer, namely that Maximilian lacked enough free men to form strong field armies.

⁶⁷ Maximilian, Herberstorff and Herliberg discuss, *ibid.*

⁶⁸ On such policies see Wedgwood, *Thirty Years War*, 163-180; and Wilson, *Europe's Tragedy*, 349-361.

⁶⁹ On diplomacy see Albrecht, *Maximilian I*, 641-662; Wedgwood, *Thirty Years War*, 180-185; and Wilson, *Europe's Tragedy*, 339-344.

⁷⁰ KuBay ÄA 2260 fol. 297-299, 1624, Lindlo to Maximilian.

In addition, however, Lindlo argued that Maximilian had kept too small an army to manage his occupations and had, in consequence, placed his reputation at risk.⁷¹ He observed, first, that the duke's present garrisons had too few men to cover important roads, bridges, passes, villages, towns, and other places. Soldiers had become exhausted, stretched thin, and their apparent weakness had emboldened the duke's enemies to rise against them. Partisans cost Maximilian good soldiers when they ambushed convoys, recruiters, patrols, pickets, and billets, and they cost him resources when they captured wagons, draft animals, weapons, munitions, and cannon, not to mention chests filled with coin intended for their captains. Rebel successes opened Maximilian and his warriors to ridicule, Lindlo said, because they could not keep the peace, and thereby undermined the duke's rule.

Lindlo proposed that Maximilian strengthen his garrisons by allowing officers to fill out and expand their companies and regiments.⁷² Maximilian should maintain standing commands not only to reward investment, but to keep veteran soldiers in service, who could pass on their experience and training to new recruits. His efforts to reform and consolidate regiments, as he was trying to do with Lindlo and the other colonels at Kronau would, in Lindlo's view, prove counterproductive.

⁷¹ Lindlo discusses his concerns, *ibid.*

⁷² *Ibid.*

In the end Maximilian decided to conclude his negotiations at Kronau by keeping all five regiments in service.⁷³ Colonels and captains kept their commands, as they had wanted, and the duke held no further reformatations or disbandments until the war's conclusion, except upon the colonel's request. Maximilian in turn refused to accept resignations unless the interested officers had already made their own financial agreements for the succession.

In early 1624, for example, colonel Sprinzenstein decided he wished to resign from League service and pass his regiment on to his colonel-lieutenant, captain Gottfried Hübner. In the spring and summer Maximilian entered negotiations with Hübner to take over responsibility for his patron's command.⁷⁴ In Hübner's final contract Maximilian included specific terms, for perhaps the first time, that held Hübner responsible for covering the regiment's upkeep costs. Once he accepted Maximilian's commission Hübner could no longer complain that the duke had reneged on his obligation to reimburse him.

Maximilian's new arrangement remained precarious, however, because it did little to ease the pressure on his officers, who continued to face the same struggles as before.

In Westphalia, for example, Anholt's men claimed they could not wrest enough wealth or

⁷³ Maximilian and Herberstorff discuss, KuBay ÄA 2248 fol. 615-616, May 7, 1624, Maximilian to Herberstorff; KuBay ÄA 2248 fol. 623, May 19, 1624, Herberstorff to Maximilian.

⁷⁴ KuBay ÄA 2257 fol. 435-437, March 14, 1624, Hübner to Maximilian; KuBay ÄA 2257 fol. 433-434, March 19, 1624, Maximilian to Hübner; KuBay ÄA 2337 f 69-71, March 19, 1624, Maximilian to Hübner; KuBay ÄA 2257 fol. 431-432, March 19, 1624, Maximilian to Hübner; KuBay ÄA 2337 f 31-49, April 5, 1624, Maximilian to Hübner; KuBay ÄA 2257 fol. 476, August 20, 1624, Haubwitz to Maximilian; KuBay ÄA 2257 fol. 473-474, Sept 5, 1624, Maximilian to Hübner; KuBay ÄA 2257 fol. 439-449, 1624, Bestallung for Hübner from Maximilian.

goods from the exhausted local economy to cover their needs.⁷⁵ In the fall they began the army's last major round of negotiations over reimbursement with Maximilian. Once again they stepped up their exactions in Cologne's lands to press their demands.

Maximilian rebuked Anholt and ordered him to undertake more earnest efforts to stop his men in Cologne.⁷⁶ He remained determined, as before, to prevent plunder in lands under the League's protection. In reply Anholt protested that Maximilian's rebuke deeply wounded his honor.⁷⁷ He had spared no effort, he said, to prevent soldiers under his command from inflicting harm on Cologne's lands, at great cost to his own good name and reputation among his men. His diligence had caused his own men to hate him, he claimed, and placed him in danger to life and limb, all on the duke's behalf. One last time he urged Maximilian to send more cash. Given the resistance they faced among the locals in Westphalia only direct support could help them, he said.

Anholt's colonels and captains, too, gathered at headquarters and drew up their own petition to add to his reply.⁷⁸ They had abided by the duke's investment policy long enough, they said, and could no longer support the troops on their own. Many had served longer than four years without any reimbursement whatsoever and, in their present condition, could not prepare their troops to withstand the coming winter. In order to

⁷⁵ Maximilian and Anholt discuss, KuBay ÄA 2281 fol. 492-493, August 19, 1624, Maximilian to Anholt; KuBay ÄA 2281 fol. 487-489, September 23, 1624, Anholt to Maximilian, with petition.

⁷⁶ KuBay ÄA 2281 fol. 492-493, August 19, 1624, Maximilian to Anholt.

⁷⁷ KuBay ÄA 2281 fol. 487-489, September 23, 1624, Anholt to Maximilian, with petition.

⁷⁸ Letter and petition, *ibid.*

make their case they selected captain Johann Wilhelm zu Hunolstein from among their number to seek an audience with Maximilian and present the document in person.

Maximilian made no reply, however, and seems to have ignored any further petitions or objections officers raised against his policies after that fall. By mid-1624 Maximilian and his officers had established clear routines to cope with the army's support costs that would last throughout the war. In exchange for their investment Maximilian would allow commanders to keep their men in service, manage them as they saw fit, and recoup their costs through spoils, sometimes in the guise of contributions. Regiments and companies would remain standing as officers passed them on to their successors upon retirement. Officers still struggled to meet the financial burdens, however, a problem they could not fully solve until Wallenstein introduced imperial contributions.

Imperial Contributions: Legality, Legitimacy and Pretext for Plunder

During the 1625 campaign League officers continued to weather heavy expenses with only spoils, extortion and financial connections to fall back on for relief. Campaigns against Denmark's forces in Lower Saxony did provide them better opportunities to extract resources from the populace, but their actions remained illegal until Wallenstein introduced imperial contributions late that fall. By winter, 1626, after the imperials had used contributions for one full year, League commanders began to claim them as well to lend their plunder a legitimate, constitutional pretext. Contributions enabled officers to

fulfill obligations to their men as they saw fit without having to worry about the delicate balance between legitimate maintenance and illicit plunder.

Late that spring League officers received their long-awaited chance to invade Lower Saxony.⁷⁹ In May the Lower Saxon estates voted king Christian of Denmark to replace the defeated prince Christian as their circle's commissioner. King Christian, in his capacity as duke of Holstein, enjoyed a prominent seat on the circle diet and, through his intervention, hoped to preserve and strengthen his dynasty's influence in the empire's northern reaches.

Ferdinand, on the other hand, denounced king Christian's election as illegitimate. Christian, openly allied to Frederick at the Hague, clearly intended to advance the Palatine cause and prolong the war, not defend Lower Saxony against incursions.⁸⁰ In Ferdinand's view the circle diet's decision belied their pretense of neutrality and demonstrated that they harbored no intention to help him restore the public peace. He told Maximilian to ready Tilly's army, cross into Lower Saxony at once, and prevent Christian from establishing strong positions in the region. In June Christian's army marched from Holstein and, with support from Mansfeld's volunteers from across the channel, grappled with Tilly in Lower Saxony throughout the summer and fall.⁸¹

⁷⁹ On the 1625 campaigns see Barudio, *Teutsche Krieg, 1618-1648*, 267-290; Wedgwood, *Thirty Years War*, 119-213; and Joachim Whaley, *Germany and the Holy Roman Empire*, vol.1 (Oxford: Oxford University Press, 2011), 583-593.

⁸⁰ See Wilson, *Europe's Tragedy*, 387-391.

⁸¹ On the 1625 campaigns see Barudio, *Teutsche Krieg, 1618-1648*, 267-290; Wedgwood, *Thirty Years War*, 119-213; and Whaley, *Germany and the Holy Roman Empire*, vol.1, 583-593.

Denmark's involvement in Lower Saxony heightened constitutional debates over how, precisely, the emperor should expect the imperial estates to contribute to his military efforts.⁸² Ferdinand took the position that they should render him active assistance to defend the realm and suppress peace-breakers. Rulers could help either through direct action, like Maximilian, or through taxes to support Ferdinand's own army. Ferdinand had until now funded imperial troops solely from his own domains, more as a Habsburg force than as an imperial one, and could not pursue his war effort without deference to interested parties like the League. Neutrals like the Lower Saxons, on the other hand, pointed out that Ferdinand had undertaken his wars unilaterally without the imperial diet's counsel or consent. He could not expect them to vote contribution taxes unless he met them halfway and offered concessions on his more disputed policies.

In the meantime Ferdinand continued to seek other, more autonomous means to expand his army, ones that required no vote in the diet. Since the previous spring his governor in Bohemia, Wallenstein, had forwarded offers to raise an entire field army for imperial service on his own account.⁸³ He would pay every regiment's recruitment and muster expenses from his own purse at no cost to the emperor. Further outlays on campaign he would record as loans to the emperor against future reimbursement.

⁸² On constitutional questions see Wilson, *Europe's Tragedy*, 407-409, 454-458.

⁸³ See Golo Mann, *Wallenstein, His Life Narrated* (New York: Holt Rinehart and Winston, 1976), 172-181, 253-277.

Wallenstein, already an imperial duke, could, in principle, perform the same military role Maximilian had done, but without the same political leverage.

In June Ferdinand accepted Wallenstein's offer and authorized him to raise 25,000 troops.⁸⁴ Once he began to gather recruits, however, Wallenstein found, like Maximilian's officers, that the costs far outstripped his own private means. By September when he marched up the Elbe and drove Danish garrisons from Magdeburg and Halberstadt he had gathered only 16,000 men. In November he established his headquarters at Halberstadt and tried at once to recruit the other 9,000 men. Ferdinand had failed to deliver the expected funds, however, so Wallenstein, low on resources, would need to devise new methods to raise funds.

In an effort to cover his costs Wallenstein began to issue contribution ordinances similar to those Tilly had introduced in Hessen two years before.⁸⁵ His first, the Halberstadt Ordinance, took effect later that November, with more to follow over the years. Rather than ask for goods in kind, however, Wallenstein required local officials to deliver cash directly to his colonels to cover their debts and expenses. Should the authorities fail to deliver on their quotas, the Halberstadt Ordinance authorized colonels to collect them directly from their lodging communities by force. In effect the ordinance superseded the 1570 billet regulations and reclassified plunder as contributions in explicit

⁸⁴ See Geoff Mortimer, *Wallenstein: The Enigma of the Thirty Years War* (New York: Palgrave, 2010), 75-81; and Mann, *Wallenstein*, 253-277.

⁸⁵ On Wallenstein's contribution ordinances see Moriz Ritter, "Das Kontributionsystem Wallensteins." *Historische Zeitschrift* 90 (1903): 193-249; and Redlich, "Contributions."

terms. Officers in Ferdinand's army could now extort and confiscate treasure from local people under full color of law.

In subsequent months Wallenstein broadened his army's cash contributions into an impost tax levied directly on the imperial estates, one that required no consent from the diet.⁸⁶ Rather than ask Ferdinand to obtain their votes in assembly he would instead negotiate *Salva Guardia* contracts with them separately, one by one. Local rulers agreed to support specific regiments or companies with cash installments and commanders, in exchange, would protect them from further impositions. Should the authorities default, as usually happened, commanders would use their troops to collect their taxes directly on the emperor's behalf.

In principle Ferdinand still bore sole responsibility to fund the army's expenses through his treasury. Contributions simply allowed officers to function, in essence, as tax farmers, licensed to collect those revenues earmarked to service their commands.⁸⁷ Colonels sent small detachments to enforce *Salva Guardia* terms in those regions assigned to support their regiments. Soldiers would billet with their hosts, keep the peace, and supervise local officials to make sure the required cash quotas reached their regiments in the field.

⁸⁶ See Mann, *Wallenstein*, 278-330; Mortimer, "War by Contract,"; Ronald G. Asch *The Thirty Years War: The Holy Roman Empire and Europe, 1618-48* (New York: St. Martin's, 1997), 88-90; and Wilson, *Europe's Tragedy*, 391-406.

⁸⁷ See Fritz Redlich, *The German Military Enterpriser and His Work Force: A Study in European Economic and Social History*, vol.1 (Wiesbaden: F.Steiner, 1964), 239-270; and Wilson, *Europe's Tragedy*, 391-406;

Contribution revenues, being in theory predictable, allowed Wallenstein to develop an intricate credit network that could guarantee his officers ready cash at all times.⁸⁸ Once he negotiated contract terms with potential colonels he would, first, lend them startup funds from his own purse to cover their recruitment costs prior to muster. Officers would begin to collect the regiment's quota from their lodgers at muster, per the Halberstadt Ordinance, then deliver them to Wallenstein to repay his loans.

Wallenstein in turn borrowed from private financiers against future contribution revenues to ensure he had enough cash on hand to offer advances to the colonels. Should the troops come up short on their collections, bankers offered Wallenstein bridging loans secured against earmarked proceeds from specific regions. In principle Wallenstein's advances to the colonels functioned as loans to the emperor, reimbursed as they were from future tax revenues. Colonels, for their part, could fund commands on their own account without having to spend one penny from their own private wealth, provided they could squeeze enough contributions from the subjects.

In three months Wallenstein's "contribution system," as historians term the method, allowed him to enlarge the army from 16,000 men in November, 1625, to 45,000 in March, 1626.⁸⁹ His need for garrisoned collectors prompted his oft-quoted comment that he could support an army of 100,000, but not 30,000. By December, 1626, he had nearly doubled the army again to 70,000 troops.

⁸⁸ See Mortimer, "War by Contract,"; and Mann, *Wallenstein*, 278-330.

⁸⁹ See Asch, *Thirty Years War*, 88-90; Mann, *Wallenstein*, 278-330; and Wilson, *Europe's Tragedy*, 391-406.

Wallenstein's system provoked outrage among the imperial estates. They felt taxes levied by the army abrogated their right to consent by vote in the diet.⁹⁰

Ferdinand's unilateral actions and his new army stoked fears that the Habsburgs would use the war to consolidate monarchical power and trample their privileges. Neutrals in particular insisted that only those rulers who had risen in open defiance to the emperor should bear the war's costs, not the emperor's loyal supporters. Maximilian, too, added his own voice in protest, worried he might lose his military leverage before he could sway Ferdinand to make his new electoral title and lands hereditary.

In winter 1626-1627, however, Maximilian's own commanders began to claim contributions alongside imperial troops in an effort to relieve their arrears.⁹¹ Leaguists held no legal standing to collect the impost, but in principle Ferdinand's unpaid debt to Maximilian translated into an unpaid debt to them, Maximilian's warriors, who had fought in the emperor's cause without recompense for many years. Maximilian's service as imperial commissioner placed League contractors in a position to claim that they, too, served the emperor under constitutional authority and were entitled to contributions just like imperial troops.

Wallenstein's system enabled both League and imperial soldiers to harvest resources from across the empire in regions disengaged from the wider war, untouched as yet by the fighting. In the campaigns from 1626 through 1630 both armies fought

⁹⁰ On political ramifications see Wilson, *Europe's Tragedy*, 407-409, 454-458.

⁹¹ See Redlich, *German Military Enterpriser*, 359-364; and his "Contributions."

combined, and although they remained distinct, both benefited from the same contribution apparatus. Imperial contributions remained the principal basis for war finance until the war's conclusion in 1648 and demobilization in the early 1650s.

Material Bonds: Reputation, Desertion and the Preservation of Followings

In winter 1626 League commanders embraced imperial contributions as the best solution to an investment policy they claimed had become too ruinous to remain sustainable.

Earlier that year several captains expressed concern that they could no longer keep their men together and outlined why they felt their companies had begun to fall apart.⁹² Their letters illustrate the extreme lengths they employed to show they would not tolerate desertion, and they cast light on some of the means officers used, beyond maintenance and plunder, to build credit among their soldiers.

In winter 1626, shortly after the new year, captain Tobias Übele wrote Maximilian to despair his company's deteriorated condition and his own reduced reputation.⁹³ In earlier years, he said, he had to spend several days at every inn on his recruitment tours, because so many good candidates lined up for a place at his table. He and his men could scarcely decide who to take with them to the muster tryouts and who to leave behind. In recent times, however, his company remained at less than half strength. No candidates showed up to sign on with him anymore, and many men had

⁹² Captains discussed in this section, KuBay ÄA 2229 fol. 140-141, Jan 11, 1626, Übele to Maximilian; KuBay ÄA 2261 fol. 108-110, 1626, Sparl to Blarer.

⁹³ KuBay ÄA 2229 fol. 140-141, Jan 11, 1626, Übele to Maximilian.

begun to desert while on watch or out on patrol. He feared his command might soon waste away entirely.

Übele's lament reflected concerns widely shared among captains that they could not hold their companies together through investment forever. His men had served the duke with body, estate, and blood, Übele said, but over the last few years they had begun to lose hope he would ever reward them.⁹⁴ Übele himself harbored no doubt that Maximilian would unfailingly help his men in their hour of need, he professed, but the duke would need to heed their requests for reimbursement, else risk the men's disfavor (*Ungnad*). In the meantime the troops had lost all respect and might desert at any time, let alone observe good regiment.

Captains never took desertion lightly, even by 1626, because it breached their bonds with their followers and placed their reputations in jeopardy. Übele's warning that open desertion had become endemic suggested how far those bonds had eroded in the years since Maximilian had begun his investment policy. One dispute between lieutenant Hans Sparl and his recruit, Caspar Liezl, illustrates the lengths officers still took to prevent breaches with their men, and to exact restitution from those who did.

In spring 1626 Sparl left his captain's headquarters at Fulda in Hessen to recruit for his company.⁹⁵ Sparl would tour from town to town to collect volunteers and then, once his band had grown large enough, return to Fulda for the captain to approve and

⁹⁴ Ibid.

⁹⁵ Sparl discusses the incident with his colonel, Caspar Blarer von Wartensee, KuBay ÄA 2261 fol. 108-110, 1626, Sparl to Blarer.

enroll his candidates. In Reisbach, a Bavarian town in the Pfaffenhofen district, one local subject, Liezl, approached Sparl to express an interest in joining his men. Sparl offered the young man an enlistment bounty and a seat at his table should he decide to enroll. Liezl hesitated, at first, but soon took the lieutenant's coin, and the men welcomed him to his seat amongst them.

Not long afterward Liezl got cold feet, however, and indicated he would rather return home than remain at the table.⁹⁶ Sparl and his men spent some time trying to convince Liezl to stay on and, in the end, they persuaded him. In exchange for the young man's oath Sparl bestowed upon him his weapons and equipment, a ritual that made him a soldier in his company.

Sparl gave Liezl a few days to set his affairs in order and agreed to meet him in Eichstätt when his tour reached the city later that April.⁹⁷ On his way Sparl stopped in Schrobenhausen to set up his table at a local inn. Late in the evening none other than Liezl came through the door, much to Sparl's surprise, and returned his armaments. He declared that he no longer intended to join the company. Sparl refused to let the young man renege on his earlier word, but Liezl pleaded with him and promised he would find a suitable replacement for his seat at the table. Sparl agreed, albeit with reluctance, and waited for Liezl to return with another candidate.

⁹⁶ Sparl discusses, *ibid.*

⁹⁷ *Ibid.*

Liezl never returned, however, and left Sparl little choice but to continue on with his tour and return to Fulda to introduce his men to the captain. Before long he left on another recruitment round that took him through Passau. One day he stopped in on the annual fair at Aicha vorm Wald and spotted, among the fairgoers, none other than Caspar Liezl, his former recruit.⁹⁸ In anger, Sparl produced his pistol. He berated the young man for frivolity and fickleness and denounced him as a faithless liar. Liezl, frightened, tried to make his escape, but he stumbled, got sick and vomited on the lieutenant. Sparl released him on the promise that Liezl would make satisfaction for his betrayal, then continued on his tour.

Some time later Sparl's travels took him once again past Schrobenhausen and Reisbach.⁹⁹ On his way through the area Sparl took several men and rode into the village to locate Liezl and collect his satisfaction from him. His search unsuccessful, the lieutenant got some locals to direct him to Liezl's home where, in the young man's absence, he took one draft horse from his family to settle the dispute. He then continued on way having upheld his good name.

In the meantime Liezl lodged a formal complaint against Sparl with Maximilian's local *Pfleger* at Pfaffenhofen. Before long the *Pfleger* apprehended Sparl and his men, imprisoned them for several weeks, and ordered the lieutenant to render Liezl's family one-hundred-seventy guilders in restitution for the stolen horse. Sparl pleaded for his

⁹⁸ Ibid.

⁹⁹ Ibid.

colonel and cousin, Caspar Blarer von Wartensee, to intercede with Maximilian on his behalf.¹⁰⁰

Sparl defended his actions on grounds that many witnesses would attest to the oath Liezl had sworn to him in Reisbach. Liezl had, moreover, no reason to flee from him at the fair, because Sparl had neither threatened his life nor injured him in any way, he claimed.¹⁰¹ He asked that Blarer instead bring Liezl before the regimental court so the matter could be properly adjudicated by fellow soldiers under customary law. In all his thirty-two years as a soldier, Sparl added, he had never met with such discreditable behavior as he had witnessed from Liezl. Blarer, whom Sparl knew to be a renowned and honorable soldier, he said, would certainly understand.

In the years since 1622 officers had spared no effort, as Sparl's and Übele's stories demonstrate, to preserve their followings and reputations despite their financial struggles. Several notable possessions captain Übele kept with him on campaign open one small window onto the methods they used to maintain their men's confidence. Some time after he wrote his letter, Übele perished on campaign from natural causes. Upon his death the General Auditor inventoried his effects and sent them to the Dominican monastery near Worms for safekeeping.¹⁰² Übele's belongings and his many debts fell to his widow, Anna Maria, who inquired after them at the monastery shortly after his death.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² KuBay ÄA 2229 fol. 142-156. Inventory.

Übele kept, first, gold and silver coin hoards collected on campaign, useful for collateral on loans and as slush funds for recruitment and other expenses.¹⁰³ In one large chest bound with a worn red leather band he stored his signet and jewelry, his company's battle standard folded in with his partisan, a reliquary cross, several mathematical and scientific instruments, including a surveyor's compass, and some silver wares. In a smaller white chest he stored his writing instruments and a small library that included several mathematical treatises, his muster rolls and a book of fiefs.

Each item in Übele's chests could, when on display, communicate his standing, his leadership and courage in battle, his piety, his prowess on the hunt for spoils, and his ability to provide for the men under his command. Books, register lists, instruments, treasure and wares suggested his technical knowledge, his largesse at open table, and the followers and dependents he had accumulated during his service.

In addition Übele kept three further chests, two long ones stacked with pistols and muskets, respectively, and a third, shorter one piled with swords, likely the cheaper variety used by common soldiers.¹⁰⁴ He may have intended these as gifts to bestow upon his new men, as Sparl had done with Liezl during his recruitment drive. Übele's sense that his company had declined, however, might explain why so many lay in their chests, unused, near the hour of his death.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

Conclusion

By summer, 1627, Ferdinand felt compelled to revise the contribution system in response to objections voiced by his supporters. He ordered Wallenstein to use contribution levies solely as punitive measures against those who rendered aid to the rebels. Contributions would, in effect, replace loot and booty as the preferred means to live from enemy lands. By the same principle Ferdinand began trying to settle his war debts with lands sequestrated from defiant rulers.¹⁰⁵

In 1630, once Denmark had exited the war, Ferdinand convened the electoral congress at Regensburg to devise a more sustainable military constitution for the empire.¹⁰⁶ Electors agreed, first, that the imperial circles would administer regular contribution taxes to support a standing imperial army under Ferdinand's sole authority, to last until the war's conclusion. Ferdinand would dismiss Wallenstein, reduce his forces to a 40,000 man field army, and leave local authorities to collect taxes on their own without coercion from garrison detachments. Circle officials would allocate one-third of their contribution revenues to support the League army, 20,000 strong, under Maximilian's sole command as an independent, autonomous force. Commanders would reserve outright collections for only those territories who defaulted on their taxes or refused to pay them altogether.

¹⁰⁵ Wilson, *Europe's Tragedy*, 391-406.

¹⁰⁶ On the electoral congress see Wedgwood, *Thirty Years War*, 260-266; and Peter H. Wilson, *Europe's Tragedy*, 454-457.

In practice nearly everyone found the imposts too heavy to bear, however, so contributions occupied an ambiguous role between orderly taxation and coercive extraction.¹⁰⁷ Poor villagers and townspeople resisted attackers just as fiercely as before because they knew their own governments would squeeze them harder to meet the conqueror's demands. Contributions enabled officers to fulfill obligations to their men as they saw fit without having to worry about the delicate balance between legitimate maintenance and illegal plunder.

In the years after 1623 outright investment by League officers drained their finances too quickly to remain sustainable, even with loot and booty. Most continued to refit their troops so they could fight in ongoing campaigns, but many expressed concern that their companies had begun to fall apart. They went to great lengths to keep their men together and uphold their reputations, often through lavish pillage. Maximilian praised their contributions as proof for their valor and devotion and, in exchange, eventually ceased all attempts to reform or disband them. Once his troops began to openly praise Mansfeld he granted officers explicit permission to take illicit spoils in substitute for reimbursement from his treasury. Tilly decided, in addition, to levy emergency contributions in Hessen to help ease the financial burdens.

By mid-1624 Maximilian and his officers had worked out an unofficial new arrangement that helped make continued investment tolerable. First, he guaranteed officers their commands would remain standing for the war's duration, and that he would

¹⁰⁷ See Wilson, *Europe's Tragedy*, 827-838.

reward them with further opportunities to grow their clienteles. Second, he would hold no further musters, inspections, or recruitment drives, but simply entrust each unit's welfare and upkeep to the captains and colonels. Third, he would accept no resignations until the commander in question had found a successor to assume financial responsibility for his company or regiment. Fourth and finally, he would allow reimbursement through spoils, often under the guise of contributions.

Burdens on officers nonetheless remained great until Wallenstein, in 1625, created his new contribution system that had, by 1627, helped League officers relieve the pressure on their own finances. Contributions remained the principal basis for war finance until the war's conclusion in 1648 and demobilization in the early 1650s.

CONCLUSION

This dissertation has provided a narrative account of negotiations undertaken between Maximilian I and his contractors over command prerogatives within the Catholic League army. It has argued that the duke and his officers each used the army's operations as a vehicle to exercise their lordship under the legal authority granted them by the imperial state. It further suggests that they sought, in the process, to make their noble power as lords of war indispensable to the strength of the imperial monarchy and the governance of the Holy Roman Empire.

Maximilian tried, when he first mobilized the army in 1619, to usurp from his contractors the traditional lordly liberty to maintain their own men, to conduct partisan warfare and the hunt for spoils it entailed, and to exercise sole jurisdiction over the troops under their authority. By asserting his own lordship in this way Maximilian hoped to retain strict control over the army's conduct so as not to transgress the imperial commission that granted him constitutional authority to wage war on the emperor's behalf. His contractors, on the other hand, also wielded state power by virtue of the charters he had granted them as stipendiary commanders. Between 1619 and 1622 they took up conservative positions to defend their privileges and, with them, their legal power to exercise lordship. In the years after 1622, as Maximilian became more dependent upon their investment to keep the army in being, officers compelled him to cede them quasi-proprietary autonomy in their companies and regiments.

Once the League and Imperial armies began to operate together in the years after 1626 their use of imperial contributions integrated Maximilian and the League more fully

into the emperor's nascent military apparatus. Contributions offered legal pretexts for plunder that resolved the original tensions between Maximilian and his contractors and obviated the need for further intensive negotiations. In 1630 the electoral congress formally authorized the League to levy contributions as auxiliaries to the emperor's army and thereby solidified Maximilian's and his contractors' position within the evolving imperial state. Swedish victories in the 1630s destroyed the new constitutional arrangement, however, and contractors, rather than continue to invest in the monarchy, pinned their hopes instead on the houses of Austria and Bavaria as territorial, rather than imperial, lords.

In conceptual terms my dissertation uses the idea of "lordship" to understand how military contractors operated within the broader context of early modern state-formation. It speaks to new lines of scholarship that try to rehabilitate military contracting as a means of power-sharing whereby rulers deepened their ties to local elites for mutual benefit. In placing partisan warfare at the center of the state's exercise of juridical power at the local level, through contractors, it complicates narratives that associate the rise of territorial authority with corresponding declines in violence and the feud, and with the emergent civil-military divide.

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BIOGRAPHY

James Oliver Stutler was born in Euless, Texas on August 2, 1982, and raised in Alameda, California. He graduated from Bishop O'Dowd High School in 2000 and received his Bachelor of Arts in History and Political Science from the University of California, Los Angeles in 2004. He is a member of the Phi Beta Kappa honors society and the National Society of Collegiate Scholars. In 2006 he received the James B. Duke Fellowship from the Graduate School at Duke University to pursue doctoral studies in the field of history and has enjoyed grants from the Duke Graduate School during his dissertation research and writing.